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# HAND-BOOK OF RECORDS

IN

H.M. GENERAL REGISTER HOUSE,  
EDINBURGH,

BY

MILLAR & BRYCE,  
PROFESSIONAL SEARCHERS OF RECORDS,  
EDINBURGH.

1885.

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J. A. Adamson, Managing Director.

SOME years ago we issued a small pamphlet, entitled *Memoranda relative to Searches for Incumbrances*, containing information regarding the Sasine and Personal Diligence Records, for reference in ordering Searches. That pamphlet is now out of print, and we have been requested by many of our correspondents to issue a New Edition. In complying with this request, we have deemed it advisable to expand the notes, so as to comprehend all the Records preserved in H.M. General Register House, Edinburgh—giving a brief statement of the object of each Register, and the period of time which it embraces.

While we now propose to treat of the Records generally, we shall still, as previously, give special prominence to those dealing with heritable property and personal diligence, as they are the Registers in most general use, and in which searches are most frequently required.

Owing, doubtless, to the great increase in the number of transactions relating to heritable property, and to fluctuations in the property market, as well as to the uncertainty of the movements of operators, searches for incumbrances have, in recent years, come to occupy a much more important position than was previously accorded to them. Formerly it was a common practice to settle transactions on an obligation by the agent of the seller or borrower to produce searches. This arose, presumably, from the difficulty which existed in obtaining searches brought down to the date of settlement, until some considerable time after that date. It is believed, however, that of late years this practice has led to serious losses, and it is now very general, before settling any transaction, to ask production of a search brought down as nearly as possible to date; while, in many cases, it is required that the state of the Records should be certified down to the actual time of settlement.

To meet this change in practice, and to enable our constituents to avoid all risk by satisfying themselves of the state of the Records before settling transactions, our arrangements are now such that we can advise, either by telegram or letter as may be desired, the result of a search down to any hour fixed in our instructions. Although, however, we can complete a search in advance of the Minute Book, by examination of the unminuted writs, it must always be kept in view that, as regards the Register of Sasines, until a writ is minuted it may be withdrawn from the Register, and held as unrecorded.

Another feature in searching which has grown out of the recent activity in the property market, is the system of furnishing notes of all deeds on record, granted by, or in favour of, an individual named. In such cases, all the information which we require with our instructions is—the Registers and Counties to be searched, the period, and the full name and designation of the individual.

5 YORK PLACE,  
EDINBURGH, 1st *January* 1885.

# PART I.

## MEMORANDA

RELATIVE TO

## SEARCHES FOR INCUMBRANCES.

THE records most usually searched are the Sasine, and Personal Diligence Registers; and the following notes show the information required by the searcher in making a search, and which is usually given in the form of a *Memorandum*.

### SASINE RECORDS.

**I. Description.**—The Memorandum should begin with an accurate description of the subjects to be searched against, so as to enable the searcher to identify the various writs appearing on record applicable thereto. This description should embrace the *measurement, boundaries, and number on plan, or of street*. Where, in the course of a progress, an alteration of description has occurred, it is advisable that both the original and altered descriptions should be furnished. In the event of the subjects forming part of a larger area, a short description of the larger area ought to be given. This ensures that all burdens upon the larger area, and thereby affecting the subjects of search, are traced. The description should conclude with the name of the county in which the property is situated, or reference should be made to a recorded deed containing an accurate description.

When the subjects are located in Glasgow or its neighbourhood, it is necessary (for reasons given on page 5) to specify the parish.

Searches are, unless otherwise ordered, confined to one distinct interest; and where conveyances, or feus, of portions of the subjects of search are disclosed in the search, a restricting note is put after such entries, indicating that those portions are *not further searched against*.

**II. Registers.**—Following the description, it is necessary to state the Registers to be searched.

These are—

**1. The Particular Register of Sasines, &c.,** for the district or shire in which the subjects are situated.

These local registers were discontinued in virtue of the Land Registers (Scotland) Act 1868 (31 & 32 Vic., cap. 64).

For the sake of convenience, we give here a list of the districts and shires for which particular Registers were kept prior to the passing of the Act, with the respective dates of termination :—

	Date of Termination.
Renfrewshire and the Regality of Glasgow	March 30, 1871.
Edinburghshire, and Constabularies of Haddington, Linlithgow, and Bathgate	February 6, 1869.
Aberdeenshire and Kincardineshire	February 6, 1869.
Argyllshire, Dumbartonshire, Buteshire, Arran, and Tarbert	January 12, 1871.
Ayrshire, and Bailiaries of Kyle, Carrick, and Cunninghame	September 30, 1869.
Banffshire	February 27, 1869.
Berwickshire, and Bailiary of Lauderdale	March 17, 1869.
Caithness-shire	February 27, 1869.
Dumfriesshire, and Stewartries of Kirkcudbright and Annandale	September 30, 1869.
Elginshire, Forres, and Nairnshire	February 27, 1869.
Fifeshire	January 12, 1871.
Forfarshire	February 27, 1869.
Inverness-shire, Ross-shire, Sutherlandshire, and Cromartyshire	February 6, 1869.
Kinross-shire	December 31, 1871.
Lanarkshire (excepting the Regality of Glasgow)	March 17, 1869.
Orkney	February 6, 1869.
Perthshire (excepting Stewartry of Menteith)	January 12, 1871.
Roxburghshire, Selkirkshire, and Peeblesshire	September 30, 1869.
Shetland	February 6, 1869.
Stirlingshire, Clackmannanshire, and Stewartry of Menteith	January 12, 1871.
Wigtownshire	September 30, 1869.

**2. General Register of Sasines, &c.,** for all parts of Scotland

December 31, 1868.



### 3. General Register of Sasines (*Current*).

This Register commenced on January 1, 1869, through the operation of the Land Registers Act. Separate divisions for each county are kept in the General Register House, Edinburgh—the Barony and Regality of Glasgow forming a separate Division.

**The following statutory enactments require to be kept in view in ordering a search over subjects in the districts which they respectively affect:—**

**BARONY AND REGALITY OF GLASGOW.**—Through the vague description of the area appropriated to this Register by the Land Registers Act, considerable misconception and confusion arose as to the proper register in which to record writs affecting lands in Glasgow and its neighbourhood. Accordingly, it was enacted by 34 & 35 Vict., cap. 68, that on and after August 14, 1871, the county of the Barony and Regality of Glasgow should be taken to include the parishes of GLASGOW BARONY, MARYHILL, SHETTLESTON, SPRINGBURN, CALTON, GOVAN, GORBALS, and CADDER, and that *no part* of the parish of OLD MONKLAND should be taken to be within said Barony and Regality. During the period between the two statutes (January 1, 1869, and August 14, 1871) it is therefore necessary to search—(1) When the subjects are situated in the parish of GOVAN and shire of RENFREW, in the Division for Renfrew as well as the Division for the Barony and Regality of Glasgow; and (2) When situated in the Regality portion of the parishes of Old Monkland and Cadder, in the Division for the Barony and Regality of Glasgow, as well as the Division for the county of Lanark.

**LANARK.**—The last-mentioned Act 34 & 35 Vict., cap. 68, also declared that the entire parish of Old Monkland should, from and after August 14, 1871, 'be deemed and taken to be only within the county of Lanark.'

**INVERNESS AND ELGIN (OR MORAY).**—By the 'Inverness and Elgin Boundaries Act' (33 & 34 Vict., cap. 16), the following transferences *quoad* registration of Deeds affecting certain portions of these counties were to take effect from May 15, 1870:—

*a.* District transferred to Inverness-shire—

Parts of united parishes of Cromdale and Inverallan on the north side of the river Spey, lying to the south and west of a line defined in the Act.

The whole of the parish of Abernethy.

*b.* District transferred to County Elgin or Moray—

Those parts of the united parishes of Cromdale and Inverallan lying on the south side of the river Spey, and those on the north side of that river lying to the north and east of a line defined in the Act.

**ROXBURGH AND SELKIRK.**—By the Act 30 & 31 Vict., cap. 85, the whole BURGH of GALASHIELS, from and after October 1, 1867, is held to form part of the County Sheriffdom, and Commissariat of SELKIRK.

## Register of Sasines for the Burgh of Edinburgh.

The Register of Sasines for subjects held *burgage* within the City of *Edinburgh* is kept in the City Chambers.

We undertake searches in this Record.

**III. Period of Search.**—For an original search, the period in the Sasine Records should be forty years prior to the date of the transaction for which the search is required.

When a search already exists, and a continuation is required, the existing search ought to accompany the instructions, and the search will commence at the date of last certificate.

In consequence of the shortening of the period of positive prescription by the Conveyancing Act of 1874, some doubt was created as to what ought to be the endurance of a prescriptive search, and we consulted the Lord Advocate (Balfour) and Mr C. J. Guthrie on the subject. Reference is made to the Memorial and Opinion (p. 10), from which it will be seen that they consider that a forty years' search is still required. In our experience, this view is general throughout the legal profession.

## General Remarks on Sasine Records.

**LEASES.**—The Act 20 & 21 Vict., cap. 26, authorised the registration of certain leases and their transmissions, sec. 2 declaring that leases registrable under the Act 'shall, by virtue of ' such registration, be effectual against any singular successor in the lands and heritages ' thereby let, whose infetment is posterior in date to the date of such registration.'

It is important to observe, that the statute enacted that all assignations and instruments of transmission, whether absolute or in security, should be recorded in the *same Register* in which the lease itself had been recorded (sec. 1). If therefore a lease had been recorded in any *Particular* Register of Sasines, the search should be made in that Register down to the date of its termination; and if in the old General Register of Sasines, in that Register, down to December 31, 1868. Thereafter the search should be made in the Division of the new General Register for the county in which the subjects are situated. But as it has been found that the enactment referred to was not strictly adhered to in practice, it would be expedient in all cases regarding leasehold property, equally as with regard to proper feudal subjects, that a search should be made in both the Particular and General Registers.

**BURGAGE SUBJECTS.**—The Conveyancing Act of 1874, which abolished the distinction between Burgage and Feudal tenures in certain respects, authorised (sec. 25) the proprietors of estates in land originally held burgage, to grant feu-rights in the same manner as if the subjects had been held by feudal tenure. Prior to the passing of the Act, feuing of burgage subjects had taken place to a limited extent, and diversity of practice existed in the registration of the feu-rights, some being recorded in the Burghal Register, and some in the Feudal Register. The above section validated registration of such feu-rights granted before the passing of the Act, in the Burgh Register. Accordingly, when burgage subjects have been feued prior to 1st October 1874, it may be necessary to search the Sasine Records for both the Burgh and the County down to that date; but after that

date the search against such subjects need only be made in the Register of the County within which the lands are situated. The same section of the Act provides that 'writs affecting land, which immediately prior to the commencement of this Act (1st October 1874) was held burgage, shall be recorded in the Burgh Register of Sasines;' but as the titles relating to feus created before the passing of the Act are to be recorded in the Register of the County, doubts have been expressed as to whether the titles of feus created after the passing of the Act should not be recorded in that Register also. (Dr Mowbray's Hendry's Styles, p. 203: Begg's Conveyancing Code, pp. 359-62). We have obtained the opinion of Professor Robertson of Glasgow on the point (printed at page 15), who considers that such titles should be recorded in the Burgh Register; but as the difference of opinion will probably lead to diversity of practice, it would be advisable to search both Registers until the question is settled judicially or by legislation.

**EXCEPTIONS FROM THE RULE OF PREFERENCE BY PRIORITY OF REGISTRATION.**—Under both the Feudal and Burgage tenures, priority of registration in the appropriate Register of Sasines has, for nearly 200 years, determined the preference of heritable rights in competition, and this rule holds in redeemable as well as irredeemable rights, but its application is subject to exceptions, for example:—

- a. An existing Bond may be postponed to a new Bond by making the creditor in it a party to the new Bond.
- b. A *pari passu* ranking may be secured to two or more Bonds over the same subjects, irrespective of the order of registration, by inserting in each a declaration that they are so to rank.
- c. Another *pari passu* ranking is created by the Land Registers Act, 1868, sec. 6 which provides that writs transmitted by post and received by the Keeper of the Register at the same time, shall be deemed and taken to be presented and registered contemporaneously.

It sometimes occurs, in the case of two Bonds prepared by the same agent one of which is intended to rank preferably, and is excepted from the warrandice of the other, that both deeds are transmitted by the same post, and received by the Keeper of the Register at the same time. With reference to the question of ranking in such circumstances, it is necessary to keep the following decisions in view:—

1. The knowledge by itself that the other security was excepted from the warrandice in his Bond would be no bar to the holder of the Bond with the exception completing his title first [Leslie v. M'Indoe's Trustees, 1824, 3 Sh. 48].
2. Such an exception is not sufficient to create a *jus quæsitum* in favour of a third party, but is available only to protect the granter [Finnie v. The Glasgow and South Western Railway Company, August, 1857, 3 Macq. 75, and Gibson v. Trotter, 1710, M. 5695].

The Minute Book contains no evidence of the receipt of writs by the same post, or of any exceptions from the warrandice clause. Consequently, the order of the writs as appearing in the search may not disclose the order of ranking.

## PERSONAL DILIGENCE RECORDS.

**I. Name and Designation.**—In the instructions for a search in these Records, there should be given the full name and designation of each successive proprietor during the period of positive prescription, or from the date of recording of the prescriptive title, if prior to the twenty years.

As these records contain diligences affecting so many names which are identical with but slightly varied designations, and seeing that diligence may have been used against the same individual under different designations, it is absolutely necessary, in order to secure that all the entries against any individual and none of those against other persons of the same name shall appear in the search, that the instructions should contain full and accurate information not only of the present name and designation of the individuals to be searched against, but also of any other designations by which such individuals may at any time have been known.

Where parties have been consenters to any deed within the prescriptive period, they also ought to be searched against. In the case of a sale in virtue of a Bond, the Bondholder ought also to be searched against.

## II. Registers.—These are :—

### 1. Register of Abbreviates of Adjudications.

### 2. General Register of Inhibitions.

### 3. Particular Registers of Inhibitions, for the County or Counties in which the subjects are situated.

For the County of Ross there are two Particular Registers—one (kept at Tain) commencing 26th July 1823, and the other (kept at Dingwall) commencing 30th April 1839.

In order to be effectual, Inhibitions recorded in the Particular Register required to appear in the register of the county of the party's domicile, as well as of the county in which the subjects were situated. (Bell's Conv., p. 1093.)

### 4. Register of Inhibitions and Adjudications.

The Land Registers Act, 1868, abolished the Particular Registers of Inhibitions (as at 31st December 1868), and united the General Register of Inhibitions and the Register of Abbreviates of Adjudications into one Register.

**III. The Period of Search.**—A complete search ought to commence in each register at a period forty years anterior to the date of the transaction, and terminate against each proprietor at the date of the *infestment of his successor*.

The Conveyancing Act created some doubt as to the period of a Prescriptive Personal Search; and reference is made to the Opinion of the Lord Advocate (Balfour) and Mr C. J. Guthrie (pp. 12 to 14), who consider that a personal search for the period above mentioned is necessary.

Where there is an existing personal search, commencing with the prescriptive period before mentioned, it should accompany the instructions, and a search should be ordered against those proprietors not already searched against.

**In addition to the Registers already specified, there are various other Registers in which, in exceptional cases, it may be advisable to search. We may mention the following, viz. :—**

THE REGISTER OF SEQUESTRATIONS (BILL CHAMBER).

THE BOOKS OF THE ACCOUNTANT IN BANKRUPTCY.

THE LOCAL SHERIFF COURT BOOKS.

THE REGISTER OF DEEDS.

It sometimes happens that discharges of sequestrations are not recorded in either the Register of Inhibitions or of Adjudications; but the decree recalling the sequestration is extracted, and on production of the extract, a 'marking' acknowledging production thereof, is put by the Keeper on the margin of the Minute Book, opposite the original entry of the sequestration. Similarly, on the production of a deed recorded in *any public Register*, or an official extract thereof, a *marking* explaining its contents will be placed by the Keeper on the margin of the Minute Book, opposite the diligence to which it refers.

THE REGISTER OF ENTAILS.

If there be any ground for supposing that the property has been entailed, a search should be made in the Register of Entails, in which all deeds of entail require to be registered.

REGISTER OF INTERRUPTIONS OF PRESCRIPTIONS.

From and after 31st December 1868 this Register became merged into the *General Register of Sasines* (Land Registers Act, sec. 15).

This is a small register in which searches are very rarely made.

# MEMORIAL FOR MILLAR AND BRYCE,

## SEARCHERS OF PUBLIC RECORDS, EDINBURGH,

FOR THE

### OPINION OF COUNSEL.

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THE Memorialists are Searchers of Public Records. One branch of their business is that of making Searches for Incumbrances required in connection with transactions relating to heritable property.

Considerable difference of opinion exists as to the period which ought to be searched in order to make a Search complete, and as the Memorialists are frequently asked to judge for themselves what in the circumstances is a sufficient period, they are desirous of having the Opinion of Counsel for their guidance, more particularly in searching the Personal Registers, the object being to give a purchaser as complete a Search as he is entitled to demand, and not to cause a seller more expense than is absolutely necessary.

There does not appear to have been, originally, any definite period for which, or specific Registers in which, a search was to be given, but practice had, by the year 1838, established the period as forty years preceding the transaction, and the Registers, as the General and Particular Registers of Sasines for Incumbrances, and the Register of Adjudications, and General and Particular Registers of Inhibitions for Diligence. In the Personal Registers the search, although covering a period of forty years, was, as regards individual proprietors, limited in the Register of Adjudications to the period during which each was proprietor, and in the Registers of Inhibitions to a period commencing forty years before the transaction, and terminating at the date of the successor's infestment. These Registers did not necessarily show every incumbrance that might affect the property or proprietors, but they came to be recognised as the only Registers in which, and the periods above mentioned as the only periods during which, a purchaser could demand a Search from the seller. The practice, so established, continued to be the rule until the year 1868.

Since then, The Land Registers Act (31 & 32 Vict., cap. 64), The Titles to Land Consolidation (Scotland) Act, 1868 (31 & 32 Vict., cap. 101), and The Conveyancing (Scotland) Act, 1874 (37 & 38 Vict., cap. 94), have been passed, and the following changes thereby introduced.

The Land Registers Act merged the Register of Interruptions of Prescriptions into the Register of Sasines, abolished the Particular Register of Inhibitions, and united the General Register of Inhibitions and the Register of Adjudications into one Register.



The Titles Act of 1868 provided that Inhibitions should only take effect from the Registration of such Inhibitions and the execution thereof, or in certain cases from the Registration of a notice thereof: That no Inhibition to be recorded after 31st December 1868 should affect *acquirenda* unless in case of heir under entail, or other indefeasible title, and that no Summons should have the effect of rendering litigious any lands to which it related, except from and after the date of the Registration of a notice thereof in the Register of Inhibitions or of Adjudications, as the case might be; and

The Conveyancing Act of 1874 shortened the positive prescription to twenty years, and provided that all Inhibitions should prescribe in five years from the date of recording thereof, with power to renew the same on the expiration of each period of five years by recording of new.

The Bankruptcy (Scotland) Act, 1856, also appears to the Memorialists to have a bearing on the question. By section 48 of this Act, the recording of the Abbreviate of Sequestration is declared equivalent to an Inhibition, and a Citation in an Adjudication of the estate of the debtor. Section 102 vests the whole heritable estate belonging to the bankrupt in Scotland in the trustee, as if carried to him by adjudication; and section 103 provides that estate acquired by the bankrupt, or descending or reverting or coming to him shall, *ipso jure*, fall under the sequestration, and provides for the trustee taking up such estate by petition to the Lord Ordinary.

It is the terms of these Acts which have given rise to the different views that are now maintained, and which may be reduced to three classes, viz.:—

I. That no alteration has been made on the period during which, or the proprietors against whom, a Search is required.

II. That a Search is now necessary—(1) in the Register of Adjudications for the period from the date of recording the prescriptive title, or earlier if required to show the discharge of any sequestration or recorded diligence, but not for a longer period than forty years in any case; and (2) in the Register of Inhibitions for five years against the successive possessors of the property for the last forty years. This is the view expressed by the compilers of the new edition of the Juridical Styles; and

III. That the shortening of the positive prescription has rendered it unnecessary to search against any one who was proprietor anterior to the date of the foundation of the prescriptive title—the possession on it cutting off all objections on the ground of diligence used before its date—and that the search should be (1.) in the Adjudication Register against the proprietor having the prescriptive title, and all subsequent proprietors, commencing at a date forty years before the date of the transaction, and terminating against each proprietor on the infestment of his successor; and (2.) in the Inhibition Registers against a proprietor having the prescriptive title, and all subsequent proprietors, for five years immediately preceding the transaction. The object of going back forty years in the Adjudication Register is to show that no sequestration appears in that register against any of the proprietors whose title is not fortified by the positive prescription. Seeing, however, that the Inhibition used under the 48th section of the Bankruptcy Act does not now affect *acquirenda*, it is for consideration, whether a trustee on a sequestrated estate could challenge the rights of a *bona fide* purchaser from a bankrupt of estate acquired by such bankrupt subsequent to the date of the sequestration, or present a

petition to have the property vested in such trustee, provided the purchaser was duly infeft before the petition was presented. Section 103d of the Act protects *bona fide* purchasers of moveables, and it is difficult to see why a *bona fide* purchaser of heritage should be in a worse position.

An objection to the short search in the Inhibition Register presents itself, (1) in regard to the prescription of litigiosity in the event of the action remaining before the Court undisposed of for more than five years; and (2) from the fact that some sequestrations appear in the Inhibition Register, which, in consequence of not being proceeded with, or through an omission, do not appear in the Adjudication Register. The Memorialists assume that, notwithstanding the omission, such sequestrations subsist for forty years, and that the bankrupt, during that period, labours under all the disabilities imposed by the Bankruptcy Statutes.

Certain conveyancers, who may be described as concurring generally in the view of the third class, maintain that adjudications are entirely special—are in the same position as heritable securities as regards the negative prescription, and that this necessitates at least a search for adjudications for forty years against the respective proprietors for that period, during the period of ownership in each case.

In the existing conflict of opinion, the Memorialists are desirous of being advised by counsel.

**Query 1.** Against what proprietors, and for what period against each, should a search be made (a) In the Adjudication Register, (b) In the Inhibition Registers?

**Answer 1.** In answering this question, it appears necessary carefully to distinguish between a search in the Register of Sasines for Incumbrances over the lands, and a search in the Personal Register against the proprietors of the lands whose titles are not fortified by prescriptive possession.

So far as incumbrances go, we do not doubt that it is still necessary to search for forty years back from the date of the transaction. This search is not, as it is sometimes stated, to disclose burdens which are being kept alive by the payment of interest or otherwise. No extent of search will necessarily disclose these. The search for incumbrances is to disclose burdens against which prescription is running, but which have not yet suffered the long negative prescription introduced by the Act of 1617. So far as incumbrances go, we think the Act of 1617 is not affected by the Act of 1874.

But a search against the proprietors of the lands is in a different position. Since the Act of 1874 it has become unnecessary to search against any proprietor whose title is beyond the prescriptive period. He may have been an undischarged bankrupt whose property belonged to his trustee; if, since he conveyed the property, it has been held for twenty years under an *ex facie* valid irredeemable title, duly recorded and followed by continuous, peaceable, and uninterrupted possession, then any defect in the earlier proprietor's title is of no more consequence than was a similar defect beyond the forty years under the previous law.

If this view be correct, it seems to us that all claims under adjudications



against the lands led earlier than the foundation of the prescriptive title are cut off by the prescriptive title, and that it is unnecessary to search for such adjudications.

Limiting ourselves, then, to the proprietors during the prescriptive period introduced by the Act of 1874, the question arises whether it be necessary to search against them in the Personal Registers beyond the prescriptive period? We think it is. The searcher assumes that exclusive possession has followed on the titles which he finds in the Register of Sasines. A search in that Register for twenty years (we are now putting out of view the necessity for a forty years' search in that Register for Incumbrances) will show him whether there exists the necessary *ex facie* valid irredeemable title as a foundation for prescription. But such a search will not guarantee a purchaser against a challenge of the title not fortified by prescription, on the ground that one or more of the proprietors within the prescriptive period were undischarged bankrupts. This is a contingency against which, as it appears to us, a purchaser is entitled to be protected; and protection will be afforded by a search in the Register of Adjudications against the proprietors within the prescriptive period, beginning in each case forty years from the date of search, and ending against each proprietor on the infetment of his successor. Strictly, it would not appear necessary to make such a search against any proprietor whose title goes back beyond the prescriptive period, even although part of his possession may fall within it. But, in practice, it would probably be usual to make the forty years' search above indicated against each person who had held the property during the prescriptive period.

While giving this opinion, we are not prepared to say that the memorialists should, on their own responsibility, dispense with a forty years' search in the Register of Adjudications against all the proprietors during that period. Looking to the divided state of opinion in the profession, we should recommend the Memorialists, when the matter is left to them, to make the more extended search.

As to the Register of Inhibitions, we think that, but for the element of litigiosity, and the fact dealt with in the fourth Query, a search for five years preceding the transaction against each proprietor for twenty years ought to be sufficient. The effect of litigiosity, and the effect of a sequestration omitted from the Adjudication Register, we shall deal with in the third and fourth Answers.

**Query 2.** Is the Trustee's power under the 103d section of the Bankruptcy Act curtailed by the enactment that inhibitions shall no longer affect *acquirenda*, and if so to what extent?

**Answer 2.** We answer this question in the negative. No doubt the recording of the Abbreviate of the Petition is declared to have the effect of an inhibition. But the trustee's right under section 102 is not limited to the right so acquired, and it does not appear to us that the 157th section of the 1868 Act is sufficient to repeal the 103d section of the Act of 1856.

**Query 3.** Would litigiosity created by the recording of a notice of a Summons of Reduction in the Inhibition Register prescribe in five years, notwithstanding the action being in dependence at the expiry of that period?

**Answer 3.** We do not think that a notice of litigiosity is included under the term 'Inhibition,' as employed in the 42d section of the 1874 Act. Therefore we think that a notice of litigiosity will not prescribe in five years, and can only be cut down by a prescriptive title. In this view a search in the Register of Inhibitions would be required from the date of the prescriptive title, but in no case earlier than 1868. It rather appears to us, however, that this risk is too remote to warrant a search for so long a period in the ordinary case. But, if the matter be left to the Memorialists, we cannot advise them to dispense with a search during the whole prescriptive period.

**Query 4.** Would a duly awarded Sequestration, notice of which appears in the Inhibition Register, but not in the Adjudication Register, subsist for forty years unless recalled, and, if so, what search would Counsel recommend in the Inhibition Register?

**Answer 4.** We think that nothing short of the long negative prescription will cut off the effect of a Sequestration duly awarded and not recalled. In these circumstances we think a purchaser is entitled to know, so far as the Registers both of Adjudications and Inhibitions disclose it, that none of the proprietors during the prescriptive period was the subject of a Sequestration awarded during the period of forty years prior to the date of his purchase, and not recalled. We think, therefore, that, in addition to the search recommended by us to be made in the Register of Adjudications, a similar search should be made in the Register of Inhibitions. That is to say a search should in each case be made in the Register of Inhibitions against the proprietors within the prescriptive period, beginning in each case forty years from the date of search, and ending against each proprietor, on the infetment of his successor.

**Query 5.** Counsel are respectfully requested to give the Memorialists any further suggestions for their guidance which may occur to them.

**Answer 5.** We have nothing to add.

(Signed) J. B. BALFOUR.  
CHARLES J. GUTHRIE.

## NOTE SUBMITTED BY MILLAR AND BRYCE

TO

JAMES ROBERTON, Esq., L.L.D.,  
PROFESSOR OF CONVEYANCING, GLASGOW UNIVERSITY,

AND

## OPINION THEREON.

## 1. NOTE TO PROFESSOR ROBERTON.

EDINBURGH, *24th November 1884.*

We beg to send you a copy of our Notes on the effect of the 25th section of the Conveyancing Act of 1874, which we intend to embody in a Third Edition of our Memoranda on Searches. As you are aware, different views have been expressed as to the proper Register in which to record Feu Rights granted subsequent to 1st October 1874, of Subjects held Burgage prior to the passing of the Act. We take the liberty of soliciting your opinion on the point. Reference is made to the following Authorities:—

‘Dr Mowbray’s Analysis’ of the Act, pp. 46 and 47.

‘Hendry’s Styles’ (Dr Mowbray’s Edition), p. 203.

‘Bell’s Conveyancing’ (Second Edition), pp. 794 and 1109.

‘Begg’s Conveyancing Code,’ Notes on Section 25 of Conveyancing Act,  
pp. 359-362.

‘Juridical Styles’ (Fifth Edition), Vol. I., Notes pp. 55 to 58.

## 2. OPINION.

I am of opinion that the Burgh Register is the appropriate Register in which to record feu rights of subjects situated within the Burgh.

I think that the words of the 25th section of the Statute do not admit of any real doubt: and I should suppose that if the legislature had intended that feu rights of burgage subjects should be recorded, not in the Burgh Register, but in the General Register, this would have been expressly provided for.

(Signed) JAMES ROBERTON.

GLASGOW, *4th December 1884.*

OPINION by THE LORD ADVOCATE (BALFOUR),  
ON  
MEMORIAL FOR MILLAR AND BRYCE.

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**Query 1.** Where, under a sale or other transaction, regarding heritable property, a seller, or other party to the transaction, is under an express or implied obligation to procure and deliver Searches, will the delivery of a Search by Professional Searchers (habit and repute skilful) be sufficient to fulfil that obligation?

**Answer 1.** I am of opinion, for the reasons stated in the next Answer, that delivery of a Search by Professional Non-official Searchers, habit and repute skilful, is sufficient implement of an express or implied obligation to procure and deliver a Search, upon a sale or other transaction regarding heritable property.

**Query 2.** Will Agents accepting and acting on Searches of the description mentioned in the preceding Query, satisfy their professional duty to their Client, and be relieved of all responsibility, in the event of any error or omission in the Certificate of Search procured?

**Answer 2.** I am of opinion that Law Agents, in accepting and acting upon Searches by Professional Non-official Searchers, habit and repute skilful, sufficiently fulfil their professional duty to their Clients, and that they would not be liable in damages, in the event of any error or omission being found to exist in a Certificate of Search procured from such Non-official Searchers, provided they were habit and repute skilful in their profession. There is no statutory provision that Searches shall be made by any particular class of persons; and it appears that for a considerable time after the establishment of the Records, Searches were in practice made by Law Agents themselves. This practice has, however, long been abandoned, probably owing to the very large number of deeds recorded, and the same cause seems to have led to the adoption of Searching as a profession, by persons who devote themselves exclusively to it, and who, from their experience, as well as in consequence of their being possessed of Indices, &c., are more likely to make correct Searches

than Law Agents themselves. Since the practice of Agents making the Searches has fallen into disuse, and Professional Searchers have come to exist, I do not think that Agents would be held bound themselves to make Searches, nor would the Professional Searchers, in making them, be, in my judgment, held to be acting merely as the Clerks or Delegates of the Agents. They would, in my opinion, be viewed as the members of a separate profession, whom it was necessary to employ in order to obtain accurate Searches; and, from the time when this became their true character, the only duty of the Agents with respect to them would be, to see that those whom they employed were habit and repute skilful in their profession. It appears that down to 1853 there were no Official Searchers, and therefore I do not see how, down to that date, any responsibility could have attached to Agents for employing the only existing class of Searchers—that is, Non-official Searchers provided they were habit and repute responsible. Then I do not find that any alteration, in this respect, was made by the Treasury Minute of 1853, under which Official Searchers were appointed; and although that Minute made provision for the appointment of such Searchers, it did not direct that they alone should be employed, but, on the contrary, expressly left the public to ‘conduct their Searches if they think proper as heretofore:’ and a similar reservation is contained in the Land Registers Act of 1868, sect. 19. Further, it appears that the Official Searchers have no other facilities for Searching than those enjoyed by Non-official Searchers, nor do they seem to possess any other or different qualifications, while the fitness of the Memorialists has been publicly recognised by the Government employing them to aid in working up arrears. I may add, that the fact that a Search can be obtained from Non-official Searchers more speedily than from the Official Searchers, seems to me to afford a legitimate consideration for Agents employing them, if habit and repute skilful, as a prompt settlement of a transaction is frequently of great importance to a Client.

(Signed) J. B. BALFOUR.

EDINBURGH, 6th December 1879.

# MILLER AND BRYCE'S

of CHARGES for SEARCHES in SASINE and PERSONAL REGISTERS, inclusive of copying fees (1s. per sheet), postages, and telegrams, etc.

Sasine Registers.														Personal Registers.			
Edinburgh.			Glasgow.			Argyll, Bute, Dumbarton, Fife, Perth, Renfrew, Stirling.			Aberdeen, Ayr, Caithness, Dumfries, Forfar, Haddington, Inverness, Kincardine, Kirkcudbright, Lanark, Linlithgow, Orkney, Roxburgh, Selkirk, Shetland, Wigtown.			Banff, Berwick, Clackmannan, Cromarty, Elgin, Kinross, Nairn, Peebles, Ross, Sutherland.			Where the Number of Names searched against exceeds ten, an extra charge of 3d. per annum, for each Register is made.		
Searching Fee.	Total.	Dues of Books.	Searching Fee.	Total.	Dues of Books.	Searching Fee.	Total.	Dues of Books.	Searching Fee.	Total.	Dues of Books.	Searching Fee.	Total.	Dues of Books.	Searching Fee.	Total.	Dues of Books.
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value of the property is under £500, a reduction of one-half the searching fee in Sasine Records is made, when such fee exceeds £1, 1s.

ifying duplicate searches :—In Sasines, 5s. ; Personals, 5s.

ches are returned for continuation within a month, *no fees of books* are exigible.

EE FOR COPYING RECORDED WRITS :—

n English, and deed dated subsequent to 1700, 1s. per sheet.

n Latin, " " 2s.

late of deed prior to 1700 (whether in Latin or English), 2s. 6d. to 3s. per sheet.

e of recorded plans.

**TABLE OF FEES in the LORD CLERK REGISTER'S DEPARTMENT of the GENERAL REGISTER HOUSE, EDINBURGH,** as regulated by the Right Honourable the Commissioners appointed to that effect by Act of Parliament 3 Geo. IV., cap. 62, and as amended by the Right Honourable the Lords Commissioners of Her Majesty's Treasury, under the Act of Parliament 31 & 32 Victoria, cap. 64.

**I. Inspection of Books of Record and of their Originals or Warrants.**

	FEES
1. For Inspection of each Book of Record to which there is no proper Minute Book or Index of Reference, there shall be charged a fee of One Shilling . . . . .	1s.
2. For Inspection of each Book of Record to which there is a corresponding Minute Book or Index of Reference, there shall be charged a fee of Two Shillings and Sixpence . . . . .	2s. 6d.
3. For Inspection of every Original Instrument, Deed, or Warrant preserved or recorded in the General Register House, there shall be charged a fee of Seven Shillings and Sixpence . . . . .	7s. 6d.

**II. Inspection of Printed Abridgments and Indices of the Registers of Sasines.**

See *Note* at end.

1. For Inspection of Printed Abridgments and Indices of the Registers of Sasines (General and Particular) in County arrangement, and of the Printed Minutes and Indices of each County Division of the General Register of Sasines, there shall be charged the following fees, viz. :—
  - (1) For any period of not more than one year, a fee of Two Shillings . . . . . 2s.
  - (2) For any period extending from one year to ten years inclusive, a fee of Four Shillings . . . . . 4s.
  - (3) For any period extending from eleven to forty years inclusive, a fee of Ten Shillings . . . . . 10s.
  - (4) For periods exceeding forty years, a further fee at the same rate as the preceding.

**III. Inspection of the Indices of the Register of Abbreviates of Adjudications, and the Registers of Inhibitions.**

See *Note* at end.

1. For Inspection of the Indices of the Register of Abbreviates of Adjudications, and the Register of Inhibitions, there shall be charged the following fees, viz. :—
  - (1) For any period of not more than one year, a fee of Two Shillings . . . . . 2s.



## FEES

- (2) For any period extending from one year to ten years inclusive, a fee of Four Shillings . . . . . 4s.
- (3) For any period extending from eleven to forty years inclusive, a fee of Ten Shillings . . . . . 10s.
- (4) For periods exceeding forty years, a further fee at the same rate as the preceding. †

*Note.*—The Fees exigible under the Heads II. and III. of this Table shall be held to cover all charges hitherto made in the Sasine Office and Horning Office respectively, in respect of continuations of Searches in the Registers of Sasines, Inhibitions and Adjudications.

#### IV. Inspection of Minute Books and Indices of other Public Records.

1. For Searches in the Minute Books or Indices of each Class of the Public Records there shall be charged the following fees for each and every such Search, viz. :—

- (1) For any period under one year, a fee of One Shilling . . . . . 1s.
- (2) For any period extending from one year to ten years inclusive, a fee of Two Shillings . . . . . 2s.
- (3) For any period extending from eleven to forty years inclusive, a fee of Five Shillings . . . . . 5s.
- (4) For any periods exceeding forty years, a further fee at the same rate as the preceding.

#### V. Exhibition and Transmission of Registers, or of Original Deeds or Warrants.

1. For every original Deed or Warrant transmitted or given up in pursuance of the Acts and Orders of the Lords of Council and Session, there shall be charged a fee of Ten Shillings and Sixpence . . . . . 10s. 6d.
2. For any Book of Record that shall be exhibited in any of the Supreme Courts of the Kingdom, or in Courts for the Service of Heirs, there shall be charged a fee of Ten Shillings and Sixpence . . . . . 10s. 6d.

#### VI. Extracts and Certified Official Copies.

1. For Extracts or Certified Official Copies from the Records of Parliament, Privy Council, or Exchequer, or from the original warrants of those several Records, there shall be charged per sheet of three hundred words or under, as the case may be, a fee of Five Shillings . . . . . 5s.
2. For Extracts or Certified Official Copies from the Register of the Privy Seal, the Register of Signatures, the Register of Decrets of the Court of Session, the Register of Abbreviates of Adjudications, the Register of Tailzies, and the Register of Deeds in the Books of Council and Session, or any other



Registers not here specified, or from the Warrants of any of those several Registers, there shall be charged per sheet of three hundred words or under, as the case may be, a fee of Two Shillings and Sixpence . . . . . 2s. 6d.

N.B.—*These fees are exclusive of Stamp Duties and fees of Writing.*

## VII. Excerpts.

1. For Excerpts or Copies from any Register or Document, whether complete or partial, and not certified, there shall be charged, in addition to the fee for inspection of the Record or Warrant, a fee at the rate of Sixpence per sheet of four hundred words . . . . . 6d.

## VIII. Marking of Books of Record.

1. For every Book duly marked and issued to the Keepers of the Public Records returnable into the Office, consisting of six quires, or two hundred and eighty-eight sheets, there shall be charged a fee of Two Pounds Fifteen Shillings, and proportionally for volumes of greater or lesser size . . . . . £2, 15s.
2. For every Book marked and issued to Sheriff Clerks and Clerks of Burghs, in terms of the Act 49 Geo. III., cap. 42, there shall be charged, in terms of that Act, a fee of Five Shillings . . . . . 5s.

N.B.—*These fees are exclusive of the prime cost of Books, for which, and for corresponding Minute Books, no more than the prime cost shall be charged.*

## IX. Marking Discharges, etc.

1. For the marking of a Discharge on the margin of the Register of Inhibitions or Adjudications, etc., there shall be charged a fee of Two Shillings and Sixpence . . . . . 2s. 6d.

## X. Election of Peers.

1. For trouble and attendance prior to and at the Election of a Peer, and recording the proceedings, there shall be charged, as heretofore, a fee of Five Guineas, and for preparing and making the Return, a further fee of Five Guineas . . . . . £10, 10s.

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## Cost of Official Extracts (*Record Room*).

1. IF OF DEED RECORDED SUBSEQUENT TO 1700—  
 Ordinary Office Fee of 2s. 6d. per Sheet.  
 Writing Fee at 1s. per Sheet if in English, and 2s. per Sheet if in Latin.  
 Stamp Duty 1s.
  2. IF OF DEED RECORDED PRIOR TO 1700—  
 Ordinary Office Fee of 2s. 6d. per Sheet.  
 Writing (Latin or English) at 3s per Sheet.  
 Stamp Duty 1s.
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**TABLE OF FEES charged in the UNEXTRACTED PROCESS DEPARTMENT**, under the Lord Clerk Register, General Register House, Edinburgh.

**I. Inspection of Indices.**

	FEES
1. For inspection of each Index of a single office there shall be charged a fee of One Shilling . . . . .	1s.
2. For Inspection of the Indices of the whole offices there shall be charged a fee of Two Shillings and Sixpence . . . . .	2s. 6d.

**II. Exhibition and Transmission of a Process.**

For every Process or part of a Process exhibited, or exhibited and transmitted to any of the Clerks of Court there shall be charged a fee of Seven Shillings and Sixpence . . . . .	7s. 6d.
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**III. Certified Official Copies.**

For Certified Copies of any Interlocutors or steps of Process for productions, for every sheet of 300 words or under, there shall be charged a fee of Two Shillings and Sixpence . . . . .	2s. 6d.
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**IV. Excerpts.**

For Excerpts or Copies of Interlocutors or steps of Process or Productions not certified, for every sheet of 400 words or under there shall be charged a fee of Sixpence . . . . .	6d.
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**FEES PAYABLE in SASINE OFFICE.**

As regulated under Act 31 & 32 Vict., cap. 64.

**1. Fees of Registration for Publication.**

Where the Keeper shall be satisfied that the value of the property or sum in security does not exceed £ 500, the fee will be 2s. per page of 200 words.

„	1000,	2s. 3d. „
„	2000,	2s. 6d. „
„	5000,	2s. 6d. „ and 7s. 6d. per Writ.
Exceeds	5000,	3s. „ and 7s. 6d. per Writ.

Where the Writs themselves do not show the value of the property, a statement of the value, and showing how the value is arrived at, dated and signed by the Agent in giving the Writ, must be endorsed on it, otherwise the maximum rate will be charged,—viz., 3s. per page, and 7s. 6d. per Writ. The statement of value will be accompanied with any documents instructing its accuracy, such as a certified excerpt from the Valuation Roll, etc.

## 2. Fees of Registration for Preservation as well as Publication.

1. The usual fees for Registration as stated above, according to class.
2. A fee of 4d. per page of 125 words for First Extract, and 1s. for Stamp Duty.
3. A fee of 1s. per page of 125 words for Second or other Extracts, and 1s. for Stamp Duty.

## 3. Dues of Books for Searching.

For each Search, 2s. 6d.

Where Searches are returned to us for continuation within a month, no charge for *fees of books* is made.

Where fees of books have been paid in the Record Room, no additional charge is made for continuation in the Sasine Office.

## FEES PAYABLE in HORNING OFFICE.

### I. Registration Fees:—

1. FEES OF RECORDING WRITS *not* coming under the Bankruptcy Acts:—

In Register of Hornings and Inhibitions—

For every sheet, or part of a sheet of 300 words, 2s.

In Register of Adjudications—For the first sheet, or part of a sheet, of 300 words, 10s. 2d.; for every other 3s. 6d.

Extracts—For every sheet, or part of a sheet of 300 words, 2s. 6d.

2. UNDER THE BANKRUPTCY ACTS:—

For entering any Schedule, 1s.

(Bankrupt's Discharge being entered both in Inhibitions and Adjudications, 1s. for each Register is charged).

For entering on the margin of the Record the recall of Sequestration or Discharge of Bankrupt, 1s.

For access to and liberty to make Excerpts from Registers, 1s.

For Extracts or Certified Copies, 1s. per sheet.

For Collating and certifying, 6d. per sheet.

### II. Dues of Books for Searching:—

For each Search, 2s.

Where Searches are returned to us for continuation within a month, no charge is made for *fees of books*.

Where fees of books have been paid in the Record Room, no additional charge is made for continuation in the Horning Office.

## **FEES in the REGISTER of DEEDS and INSTRUMENTS of PROTEST** (*Regulated by 50 Geo. III. c. 112*).

1. For Registration of Deeds, including cost of first Extract:—  
First sheet 3s. 8d., and every additional sheet 2s. 4d.; Stamp for Extract, not exceeding 1s.
  2. For each Protest—For first sheet 4s. 5d.; Stamp in no case exceeding 1s.
  3. For Copies—Office Fee 2s. 6d., and Writing Fee 1s. 4d. per page of 250 words.
  4. For Certificates of Judgments, under the Judgments Extension Act (31 & 32 Vict. c. 54):—  
For Registration of each Certificate and Extract, same fees as those applicable to Register of Deeds.  
For each Certificate of Judgment, 2s. 6d.
  5. Dues of Books for each search, 2s. 6d.
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## **FEES in REGISTRY of BIRTHS, DEATHS, & MARRIAGES.**

Dues of Books for a General Search	£1
„ „ Particular Search	1s.
Fees for Extract 2s., Stamp 1d.	2s. 1d.
In making a General Search, a period of ten days is allowed, after which another fee is charged.	

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## **FEES PAYABLE in CHANCERY OFFICE.**

1. SERVICES.—All Decrees of Service sent to the Chancery Office by the Sheriff of Chancery and the Sheriffs of the different counties in Scotland, are charged 3s. 6d. per 300 words for registration and extract.
  2. Fees of Charters, Precepts, Writs of Clare Constat, etc., 8s. 4d. per sheet.
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# PART II.

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## PRÉCIS

OF THE

## PUBLIC RECORDS OF SCOTLAND

PRESERVED IN

H.M. GENERAL REGISTER HOUSE,  
EDINBURGH.

THE institution in Scotland of Public Registers of Writs affecting heritable and moveable property, arose out of the conditions which created the feudal system. The spirit of that system demanded that of all important transactions, public or private, some record should be preserved, so as to maintain absolute and impartial accuracy. There is probably no Scotch writing extant, whether of Charter, Record, or Chronicle, so old as the reign of Malcolm Canmore, who died in the year 1093. Indeed, it is doubtful whether, prior to that date, the art of writing itself was practised in Scotland. The earliest authentic Scotch writings now

known to exist are the Charters of Edgar (c. 1098–1106), preserved among the Coldingham Charters, now in Durham Cathedral. The first Scotch Records were written in the Latin language by the Papal notaries. An ordinance or decret arbitral, of date 1385, by Andrew Mercer, Lord of Mekylhour, is believed to be the earliest specimen of continuous writing in our vernacular language.

The reign of Alexander III. was one of continued prosperity; and the accumulation of Records in his time must have been considerable. This is shown by a Calendar or Inventory of Documents in the King's Treasury at Edinburgh Castle made in the year 1282, which is now preserved in London, and is the oldest official public record of Scotch writs now extant. Unfortunately the troubles which overtook the country after the death of Alexander, had a most disastrous effect upon our Records. In the year 1291, Edward I., in his character of Lord Paramount in the dispute between Bruce and Baliol, took charge of the Scotch Records, and had them removed to Berwick. In the following year, a Calendar or Inventory was prepared on the occasion of the coronation of Baliol; and in 1296 another Inventory was taken at Berwick, when the Records were delivered over to Cressingham, Edward's Treasurer. With the exception of the Monastic Chronicles and the Inventory of 1292, which is deposited in the Register House, not a vestige of these Records can now be discovered in Scotland. The loss of their muniments has always been a matter of deep regret to the Scotch, who, notwithstanding the assertions of English writers to the contrary, have contended that they had been removed by Edward to England, where they have been lost or wilfully destroyed. This question has long been the subject of bitter controversy; but, during the past year, a document has been discovered among the English archives, showing that, in addition to a number of jewels, relics, etc., a 'great coffer and two small coffers, with divers writings and ' memoranda,' found in 1291 in Edinburgh Castle, were transferred on 17th September 1296, from Berwick to London, and deposited in the wardrobe at Westminster. It may be fairly inferred that these coffers contained many, if not the whole, of the Scotch Records. Indeed, not a few of the documents mentioned in the Calendar of 1291 are still extant in England.

In 1327–28, after the Battle of Bannockburn, Edward III. undertook, in the Treaty of Northampton, to return all the documents relating to the freedom of Scotland in his possession. This stipulation, however, he failed to fulfil.

In consequence of the continuous internal turmoil of the country, our Records, during the 13th, 14th, and 15th centuries, suffered grievously; and the muniments now extant for these periods are very limited. The Chancery Records of Retours which were then kept in Holyrood, were destroyed in the year 1544, when the Palace and Abbey were burnt by the English army under the Earl of Hertford.

The most disastrous, however, in its effects, of all the misfortunes which befel our Records, occurred through their second removal to England by Cromwell during the Commonwealth. At that time the Register House was situated in the Castle of Edinburgh; and, when it was besieged after the battle of Dunbar in 1650, the Records were, by the 'Articles of ' Rendition,' removed to Stirling Castle, where, shortly thereafter, on its surrender, they fell into the hands of General Monk. In the following year they were removed to London, and deposited in the Tower. The only Records which escaped capture by the English were those of the Privy Seal, which were carried off by the Keeper to the Highlands of Scotland, and

kept there until the Restoration. In the year 1657, at the urgent entreaty of the Scotch, those of the Records taken to England which related to private rights (Charters, Signatures, Deeds, Decrees, Sasines, etc.) were returned to Scotland, and again deposited in Edinburgh Castle. After the Restoration in 1660, the remaining portion of the Records, comprising historical documents, etc., were also ordered to be returned. They were shipped in barrels on board a frigate; but, during a storm, it was found necessary to transfer eighty-five of the barrels to another vessel, which, unfortunately, soon after foundered, and the Records she carried were totally lost. The other Records reached the country in safety, and were also conveyed to the Castle. After lying there for two years, a portion of them was placed, for greater convenience, in two rooms situated below the present Parliament House, then known as the Laigh Parliament House; and those which remained, including the Records of Parliament and the Great Seal, suffered considerable damage during the siege of the Castle in 1688-1689. At the close of the seventeenth century all the Records left in the Castle were transferred to the Laigh Parliament House.

In the year 1700, the Teind Office, then situated in the High Street, was, with many of its valuable Records, destroyed by fire; and in 1720, the same fate befel the Records of the Commissariat of Aberdeen.

After the Union, the growing prosperity of the country led to more frequent transfers of heritable property, etc., and soon multiplied the Records to such an extent, that the accommodation in the Laigh Parliament House became insufficient. The Records of the daily proceedings of the Court of Session, Justiciary, and Exchequer Courts, were in consequence kept in different apartments in distant parts of the city, and many volumes and documents thus became scattered and lost. Mr Anderson, Editor of the *Diplomata Scotiæ*, states that in 1714, detached instruments and papers were suffered to remain in 'heaps or in barrels,' and that he himself had found 'valuable papers loose upon the ground and treading under foot.' In a return by the Court of Session to the House of Lords in the year 1740, it is stated that besides the loss of the eighty-five barrels in 1660, 'ten hogsheads more of the Records brought down 'from London at that time' still lay unopened, through the unaccountable neglect of the officials. Nothing was done, however, until 1753, when, under a warrant by the Court, five of the hogsheads were inspected and found to contain Royal Letters, Commissions, Retours, Sasines, etc. It is believed that the remaining five barrels lay unexamined until the whole Records were transferred to the present Register House, which was erected in the year 1774.

In the year 1800 (renewed in 1806), a Royal Commission on the Records of the United Kingdom was appointed; and to these Commissioners and the first Deputy Clerk Register, Mr Thomas Thomson, must be awarded the credit of initiating the work of collecting and arranging the Scotch Records. Various Acts of Parliament and Acts of Sederunt of the Court of Session have been passed, under which a gradual system of centralisation has taken place, whereby most of our Records have been transferred to the Register House. Old Institutions, such as the Court of Exchequer, Jury Court, Commissary Courts, Admiralty Courts, etc., have been abolished, and their Records transmitted; while many Records and original documents of great importance have been recovered from the repositories of private individuals, and some even in the auction room.

The Register House is divided into departments, each having the custody and management of the Records placed under its control, and it is to these Records that we now propose to direct attention.

Our information has been derived mainly from the Official Repertories, but the Official Reports of the Record Commission of 1800, those of the Deputy Clerk Register and others, have also been found of considerable assistance.

#### THE DEPARTMENTS ARE:—

##### In Old Register House—

Lord Clerk Register's Department—

General Record Office.

Office of Curator of the Historical Department.

The Sasine Office.

The Horning Office (Inhibitions and Adjudications).

The Register of Deeds, Probative Writs, and Protests.

The Signet Office.

Privy Seal Office.

##### In New Register House—

The Chancery Office.

Registry of Births, Deaths, and Marriages.

Offices of Clerks of Session.

Office of Extractor of Court of Session.

Office of the Accountant of the Court of Session.

Office of the Accountant in Bankruptcy.

Bill Chamber Office.

Office of Registrar of Law Agents.

Register of Arms.

Teind Office.

Office of Registrar of Friendly Societies, etc.

Office of Edictal Citations.

Office of Crown Rents.

Great Seal Office.

Office of Register of Entails.

## LORD CLERK REGISTER'S, OR GENERAL RECORD DEPARTMENT.

In this department most of our Records and Muniments are deposited. It is divided into two branches, known as the General Record Office and the Historical Department. In the Record Office, which is under the superintendence of the Deputy Keeper of Records, all Searches of a business character, and for which fees are charged, are made; while in the Historical Department, which is under the superintendence of the Curator, Searches of a literary character, for which no fee is chargeable, are conducted. The Curator of the Historical Department also supervises the issue of those publications of Scottish Records, which have done so much towards bringing to light the early history of our country. The Records in the Lord Clerk Register's Department are:—



## SASINE RECORDS.

These Records are intended to afford protection to land rights, as well as to enable a purchaser or lender to ascertain precisely the burdens that affect the lands in regard to which he is in treaty. This is attained by the legislature providing that rights relating to heritable property shall, in order to be effectual against *bona fide* third parties, be made public by registration in the Sasine Records.

The first attempt to establish a Register of Sasines was made in the years 1599 and 1600 (stat. 4, 184, and stat. 4, 237). It was termed the Secretary's Register, and was kept in divisions as local records throughout Scotland until the year 1609, when, owing to the irregular manner in which the divisions were kept (stat. 4, 449), the Register was abolished as being unnecessary. The mistake was made of placing these Registers under the Secretary of State in place of the Lord Clerk Register, whereby they were rendered almost inaccessible to the public, and consequently of little use as a public Register. In 1617, however, an Act was passed (1617 c. 16) by which Particular Registers of Sasines were established at various local districts, and a Register, called the General Register of Sasines, was directed to be kept at Edinburgh. These Registers (Particular and General) were, in terms of the 8th section of the Land Registers Act, 1868, discontinued; and one general record, called the General Register of Sasines, with divisions applicable to each county in Scotland, was instituted.

### 1. GENERAL REGISTER OF SASINES, REVERSIONS, ETC.

This Register contains a Record of Writs affecting heritable property situated in all parts of Scotland. While it formed the Record for the registration of such Writs as affected subjects located in more than one district or county, it was optional to record in it, or in the Particular Registers, Writs which affected subjects situated in only one district or county.

- I. SERIES—19 August 1617 to 2 February 1652.
- II. SERIES—28 May 1652 to 26 October 1660.
- III. SERIES—27 October 1660 to 31 December 1868 (Date of termination).

### 2. PARTICULAR REGISTER OF SASINES.

The following is a list, with the periods during which they are now respectively extant, of the various Particular Registers of Sasines kept prior to the passing of the Land Registers Act, 1868 (31 & 32 Vic., c. 64), and which have been since discontinued in terms of the 8th section of that statute.

ABERDEEN and KINCARDINE, Shires of.

There were separate Registers for these counties down to the year 1661.

(1) Aberdeen.

- I. SERIES—(Secretary's Register) 21 December 1599 to 24 January 1609.
- II. SERIES—1 August 1617 to 1 January 1661 (when it was combined with Kincardine).

(2) Kincardine.

- I. SERIES—(Secretary's Register) 2 January 1600 to 6 December 1608.
- II. SERIES—2 September 1617 to 1 January 1661.

(3) Aberdeen and Kincardine (combined Register)—1 January 1661 to 6 February 1869, when Register terminated.

## ARGYLE, DUMBARTON, ARRAN, BUTE, and TARBERT.

## I. SERIES—

- (1) Kept at Dumbarton, 31 July 1617 to 24 September 1622.
- (2) Kept at Inveraray, 7 March 1643 to 26 December 1660.
- (3) Kept at Glasgow, 20 January 1644 to 8 May 1657.

## II. SERIES—

Kept at Dumbarton, 8 July 1673 to 12 January 1871.

## AYR, Shire of, and Bailliarities of KYLE, CARRICK, and CUNNINGHAME.

I. SERIES—(Secretary's Register) 3 December 1599 to 26 July 1607.

II. SERIES—31 July 1617 to 20 May 1653.

III. SERIES—5 September 1653 to 28 December 1655.

Volume (called the 'Nynt Register'), 31 January 1656 to 31 May 1661.

IV. SERIES—26 August 1661 to 30 September 1869.

## BANFF, Shire of.

I. SERIES—(Secretary's Register) 16 January 1600 to 2 January 1609.

II. SERIES—1 September 1617 to 1 October 1661.

III. SERIES—7 May 1661 to 27 February 1869.

## BERWICK, Shire of, and Bailliary of LAUDERDALE.

## I. SERIES—

- (1) 1 December 1617 to 10 August 1624.
- (2) 6 February 1632 to 2 August 1651.
- (3) 5 July 1658 to 7 November 1661.

## II. SERIES—

- (1) 1 October 1662 to 28 June 1735 (Record from 1724 to 1732 very defective).
- (2) 16 June 1743 to 17 March 1869.

## CAITHNESS, Shire of.

## I. SERIES—

- (1) 20 September 1646 to 22 October 1674.

Volume 1 contains Seisins and Bonds of Caution in Lawburrows, etc.

- (2) 28 December 1658 to 26 July 1661.

II. SERIES—26 April 1675 to 27 February 1869.

## DUMFRIES, Shire of, and Stewartries of KIRKCUDBRIGHT and ANNANDALE.

## I. SERIES—

- (1) 13 August 1617 to 10 March 1620, and 20 February 1624 to 10 January 1634.  
43 folios at beginning of volume 2 wanting.
- (2) After the above, follow two volumes of Sasines (Scrolls) for Dumfries,  
1 April 1633 to 20 May 1654.
- (3) The next volume (incomplete) commences 11 August 1654 and ends  
8 October 1655.
- (4) 16 December 1656 to 31 August 1660.

II. SERIES—30 March 1671 to 30 September 1869.

# EDINBURGH, Shire of, and Constabularies of HADDINGTON, LINLITHGOW, and BATHGATE.

The first part of this Register was called the Secretary's Register for the Sheriffdom of Edinburgh, Principal, and Constabulary of Haddington.

From 7 December 1599 to 20 January 1609.

10 volumes, of which 8 only have been preserved; volume 4 (period from 6 March to 28 July 1604), and volume 6 (period from 15 June 1605 to 10 April 1606), having been lost. Volumes 5 and 10 are incomplete.

There are also 3 volumes called the Secretary's Register for the Sheriffdom of Linlithgow and Bathgate. 11 November 1599 to 21 April 1609.

I. SERIES—19 August 1617 to 22 December 1651.

Volume 21 (period from 19 July 1633 to 8 February 1634) is wanting.

II. SERIES—8 November 1653 to 29 October 1660.

III. SERIES—6 November 1660 to 6 February 1869.

## ELGIN and NAIRN, Shires of.

I. SERIES—(1) 30 August 1617 to 24 May 1621.

(2) 8 December 1624 to 27 October 1662.

Volume 2 (period from 24 May 1621 to 8 December 1624) has been lost.

II. SERIES—24 September 1662 to 27 February 1869.

No Record from 1 December 1664 to 3 November 1666.

## FIFE and KINROSS, Shires of.

A separate Record was instituted by Act 1685 VIII., 489 *b.* for the Shire of Kinross. *See* page 32.

I. SERIES—(Secretary's Register)—(1) 20 January 1603 to 20 November 1604.

(2) 1 October 1605 to 30 June 1606. (3) 1 July 1607 to 20 January 1609.

Volumes 1, 2, and 3 (1599 to 20 January 1603), volume 6 (20 November 1604 to 1 October 1605), and volumes 8 and 9 (30 June 1606 to 1 July 1607), have been lost.

II. SERIES—17 September 1617 to 7 August 1660.

III. SERIES—8 December 1660 to 12 January 1871.

Scrolls (in bundles) from 1715 to 1719.

## FORFAR, Shire of.

I. SERIES—6 September 1620 to 17 January 1621 (very imperfect).

II. SERIES—18 September 1637 to 22 March 1658.

III. SERIES—14 November 1660 to 27 February 1869.

## INVERNESS, ROSS, SUTHERLAND, and CROMARTY, Shires of.

I. SERIES—(Secretary's Register) 3 February 1606 to 1609.

Volumes 1 and 2 are incomplete.

II. SERIES—14 August 1617 to 14 September 1660.

Volume 2 (28 June 1621 to 24 April 1624) has been lost, and there is no Record from 15 May 1643 to February 1648.

III. SERIES—22 August 1661 to 6 February 1869.

KINROSS, Shire of.

This Register was established by the Act 1685, VIII., 489 *b*. See Fife, page 31.

2 July 1688 to 31 December 1871.

Record from 17 September 1734 to 12 April 1743 wanting.

LANARK, Shire of (excepting Regality of Glasgow).

In this Register the Over and Nether Wards appear to have been at first kept separately.

I. SERIES—(1) Nether Ward.

21 March 1618 to 9 July 1636; and 27 May 1648 to 16 September 1653.

(2) Over Ward.

30 June 1620 to 22 December 1641.

II. SERIES—(1) Nether Ward.

25 July 1654 to 28 September 1660.

(2) Over Ward.

16th August 1659 to 10 November 1660.

III. SERIES—14 December 1660 to 17 March 1869.

ORKNEY and ZETLAND, Shires of.

I. SERIES—

(1) Orkney, 1 September 1617 to 15 July 1626, and 1 March 1634 to 9 June 1656.

Volumes 1, 2, and 3 are duplicates, the originals not being extant; volume 4 (15 July 1626 to 1 March 1634) has been lost.

(2) Zetland, 1 July 1623 to 1 March 1672.

Volume 1 (prior to 1 July 1623) has been lost; volumes 3 and 4 imperfect.

II. SERIES—

(1) Orkney and Zetland (combined), 8 June 1661 to 5 December 1752.

(2) Orkney, 25 June 1753 to 4 February 1869. No Record from 21 November 1765 to 1 September 1767.

(3) Shetland, 11 October 1744 to 6 February 1869.

PERTH, Shire of.

I. SERIES—(Secretary's Register) 3 August 1601 to 10 June 1609.

II. SERIES—12 August 1617 to 24 March 1621.

III. SERIES—11 November 1624 to 6 November 1649.

IV. SERIES—15 November 1649 to 22 August 1660.

V. SERIES—1 November 1660 to 12 January 1871.

RENFREW, Shire of, and BARONY and REGALITY of GLASGOW.

I. SERIES—3 December 1641 to 1 July 1657.

No Record from 30 October 1652 to 22 August 1654.

II. SERIES—6 February 1661 to 30 March 1871.

The last part of volume 4 (November 1688 to 7 July 1693) is alleged to have been destroyed by fire in the keeper's house in Glasgow.

ROXBURGH, SELKIRK, and PEEBLES, Shires of.

I. SERIES—26 July 1617 to 18 December 1658.

Volume 2 (24 June 1621 to 14 February 1622) has been lost.

II. SERIES—28 February 1661 to 30 September 1869.

STIRLING and CLACKMANNAN, Shires of, and STEWARTRY of MENTEITH.

I. SERIES—2 August 1617 to 15 November 1660.

II. SERIES—1 January 1661 to 12 January 1871.

WIGTOWN, Shire of.

I. SERIES—13 August 1619 to 27 May 1657.

II. SERIES—5 January 1658 to 30 September 1869.

No Record from January 1666 to 30 November 1669, nor from 17 March 1673 to 3 July 1678.

### 3. GENERAL REGISTER OF SASINES.

This Register contains a Separate Division for each County in Scotland, the Barony and Regality of Glasgow being treated as a County. *See* page 4.

From 1 January 1869 to date.

This Register is current, and the various Divisions are transmitted periodically.

## REGISTER OF INTERRUPTIONS OF PRESCRIPTIONS OF REAL RIGHTS.

From 2 March 1697 to 31 December 1868.

This Register was instituted by the Act 1696, cap. 19, for the purpose of affording a means of publishing to the lieges all Summonses and Executions thereof, and Instruments, for interrupting the prescription of real rights. The Act declared such Interruptions ineffectual against purchasers and singular successors unless recorded in this register. As already mentioned, it is now incorporated with the Register of Sasines.—*See* page 9.

## RECORDS RELATING TO ENTAILS.

### (1) Register of Entails or Tailzies.

From 31 July 1688 to date.

This Register was instituted by the old Scots Act 1685, c. 22, which authorised the entailing of lands upon a series of substitutes, with clauses prohibitory of alienation, etc., on condition that the essential parts of the Deed of Entail should be recorded in a Register kept for the purpose.

There is a complete set of indices to date, of names of Granters of Deeds of Entail, to each of which is added a short minute of the lands entailed.

Current, and transmitted periodically to this Department.

### (2) List of Model Feu Charters of Entailed Estates and relative PLANS approved of by the Court of Session under the Acts 11 & 12 Vic., cap. 36, and 16 & 17 Vic., cap. 94, and deposited in the General Register House by order of the Court.

The first 'Form' of Feu Charter is dated 1st, and recorded 4th, February 1853.

## RECORDS OF CROWN WRITS.

Formerly, before a Royal Grant was issued, it was necessary to pass it in its successive stages through different offices. A Royal Charter originated in a 'Signature,' which was revised and sanctioned by the Barons of the Court of Exchequer, and recorded in their 'Register of Signatures.' This 'Signature' was impressed with a facsimile of the sign manual of the King, and on it a Precept under the Signet was framed, addressed to the Keeper of the Privy Seal. On this Precept was framed another (dispensed with by Act 49 Geo. III., c. 43), which passed under the Privy Seal, commanding a Charter to be prepared in Chancery, on which being done, the Great Seal was affixed, and the Charter delivered to the grantee. This multiplicity of Writs created different Registers, which, as regards land, were nearly transcripts of each other, and may therefore be all classed under this head.

An abstract, with indices, of the Register of the Great Seal is in course of publication.

## I. GREAT SEAL RECORD.

### 1. Register of the Great Seal (*Registrum Magni Sigilli Regum Scotorum*).

This Record, which was at one time very voluminous, contains Charters and Grants of Land from the Crown.

In 1874, Charters by progress were abolished; and at the present time, the only deeds recorded in the Great Seal, are Charters of Incorporation by the Crown, Charters with consent of the Board of Trade, Charters of *Novodamus*, and Gifts of *Ultima Hæres* in favour of the Queen's Remembrancer in Trust.

(a) ROLLS from 1315 to 1413.

(b) VOLUMES from 1362 to date.

Index to Great Seal, 1582 to date.

Current, and transmitted periodically to this Department.

(c) WARRANTS of GREAT SEAL from 1663 to 1794, and from 1807 to date.

Current, and transmitted periodically to this Department.

(d) MARCHMONT PAPERS (Warrants of Great Seal presented to the Register House in 1848, by Sir H. H. Campbell of Marchmont)—1696 to 1702.

(e) INVENTORIES of GREAT SEAL from 1663 to 1794.

### 2. Comptroller's Register of Signatures, from 27 October 1561 to 3 February 1642.

This Register was kept in Exchequer, and consists of minutes of the compositions payable to the Crown.

### 3. Register of Signatures (*Signet Office Record*).

WARRANTS from 1607 to 1847; Indices to Warrants, same period.

This Register contains Signatures of Resignations, Confirmations, Adjudications, Infestments of Annualrent, Gifts of Escheat, and all Casualties of Superiority, Gifts of Tutorry, Gifts of Bastardy, Gifts of *Ultima Hæres*, of lands held of the Crown, Tacks of Teinds, etc. It was discontinued (Act 10 & 11 Vic., c. 51) in 1847, when Signatures and Precepts as preliminary to Crown Charters were abolished.

### 4. Paper Register of Great Seal.

(1) PAPER REGISTER of COMMISSIONS of the GREAT SEAL (*Commissiones, Carta Adjudicationis, etc.*), from 1608, with Indices from 1596, to date.

WARRANTS of PAPER REGISTER, from 1733 to date.

Current, and transmitted at intervals by the Chancery Office.

This Record formerly contained Charters, Apprysings, Life-rent Charters, Letters of Remissions, Legitimations, Commissions to superior officers, etc. It is now a Record of Pardons granted to criminals in Scotland, and Commissions by the Crown to Scottish Public Departments.

## (2) REMISSIONS 1611 to 1622.

Remissions for High Treason and other crimes, required originally the consent of Exchequer, but afterwards, they passed under the Great Seal, *per saltum*, without reference to that Court.

## (3) REGISTER of all COMPRYSINGS and other INFEEFMENTS that pass the SEALS from 1656 to 1658.

## 5. Register of Confirmations and Resignations.

From 22 November 1858 to 6 April 1868.

This Record was established in 1858, pursuant to 21 & 22 Vic., c. 76. In it are recorded the Writs of Confirmation and Resignation engrossed in Chancery on the backs of Crown deeds. The draft writs are preserved.

## 6. Register of Crown Writs.

From 23 April 1869 to 30 September 1874.

WARRANTS for same period.

This Record was established in 1868, in pursuance of 31 & 32 Vic., c. 101, and was practically a continuation of the Register of Confirmations and Resignations. It terminated in 1874, when writs by progress were abolished.

## II. REGISTER OF THE PRINCE'S SEAL.

During the minority of the eldest son of the reigning Sovereign, Charters of Prince's lands pass under the Great Seal, the Sovereign for the time being acting as his administrator. On the Prince attaining majority, he is provided with a separate Seal and a separate Record, under which the Charters of his vassals pass.

The Record of the Prince's Seal in the present reign commenced in 1863 (when the Prince of Wales attained majority), and was closed in 1874, when Crown and Prince's Charters were practically abolished.

## 1. Record of Prince's Charters. From 9 June 1620 to 4 September 1819—

Volume containing Transcripts of Charters, Rentals, etc., of the Principality, from 1404 to 1624.

Warrants from 1808 to 4 September 1819.



2. Record of the Prince's Seal of Scotland, 1 April 1863 to 13 August 1874.
3. Signatures of the Prince, 1620 to 1625.
4. Registrum Preceptorum Cartarum Principis Scotiæ, 1620 to 1625.

### III. PRIVY SEAL RECORDS.

#### 1. Register of the Privy Seal.

This Register contains a Record of all Royal grants which have passed the Privy Seal of Scotland.

##### 1. OLD SERIES—ENGLISH RECORD.—From 1491 to 9 June 1651.

This is a Record of all Grants of Pension, Presentations to Churches, Commissions to inferior officers, and Tacks of Teinds belonging to the Crown, etc.

##### 2. NEW SERIES.

##### (1) LATIN RECORD (*Registrum Secreti Sigilli*).—From 10 June 1661 to 10 July 1810.

In this Register are recorded all Precepts directed to the Keeper of the Great Seal, for expediting Charters or Grants of Land held of the Crown.

##### (2) ENGLISH RECORD from 10 September 1661 to date.

In this Register are recorded assignable or personal rights, commissions to inferior officers, presentations to churches, and regius professorships in Scotch Universities, etc.  
Current, and transmitted periodically.

#### 2. Responde Book of the Register of the Privy Seal. From 1752 to 1774.

#### 3. Warrants of the Privy Seal; Inventories of Warrants. 1627 to 1808.

#### 4. Presentations to Benefices 1567 to 1663.

Acts of Caution for Parsons' presentation to Benefices 1592 to 1625. Presentations and Acts of Caution for Parsons' presentation to Benefices, 1624 to 1641; and 1633 to 1663.

#### 5. Registrum Preceptorum Remissionum Sub Sigillo Secreti. From 1611 to 1622.

#### 6. Registrum Preceptorum Cartarum pro Baronettis Novæ Scotiæ. 1625 to 1630.

#### 7. Tacks of Teinds. 1782-92; and 1795 to 1808.

## MONASTIC RECORDS.

1. Charters, etc., by the Commendator of the Monastery of Holyrood. From 7 May 1545 to 1567.
2. Charters by the Collegiate Church of Lincluden. From 5 June 1547 to 25 January 1564.
3. Registrum Assedationum, Dunfermline. From 1557 to 1585.
4. Register of Charters, Tacks, etc., by the Abbots and Commendators of Jedburgh. From 1534 to 1596.
5. Registrum Assedationum, etc., B. Marie de Cupro (Coupar Angus). From 1443 to 1559. 2 Volumes.  
The Advocates' Library possesses a still more ancient volume of this Record.
6. Liber Compositionum, B. Marie de Cupro (Coupar Angus). From 1543 to 1562; Rentale, 1542.
7. Volume of Transcripts of Charters, etc., by Churchmen and others. Various dates (entries of years 1553 and 1567 appear).

Nos. five and six have been printed by the Grampian Club.

## RECORDS OF EXCHEQUER.

From the absence of our Records little is known regarding the early mode of management of the Crown Revenues of Scotland. The first official to whose care these Revenues were entrusted, was termed the Great Chamberlain, who presided over the king's *Camera* or Exchequer, and held a special jurisdiction over the Burghs. In 1424, James I. created two offices—those of the Comptroller and the Treasurer,—the former being charged with the collection and disbursement of the Revenue flowing from rents of Crown Lands, Burgh Mails, and Customs levied on merchandise; while the Treasurer supervised the feudal duties payable by the king's vassals, fines, etc., and the proceeds of taxations and contributions. This Revenue was collected by the Sheriffs, Stewards of Stewartries, Bailies of the King's Bailliaries, etc., who were bound by statute to appear personally once a year, and pay their balances into Exchequer. It was then customary for the Exchequer officials to follow the Royal Court in its movements throughout the country, the Records being carried from Edinburgh Castle to the place of meeting. In the time of James II., the Judges of Exchequer were called 'Lords and Auditours of the Checker,' by which designation they were known for many years. During the reign of James VI., it appears that the chief officials of the

Exchequer, whether called Lords Auditors, or King's Commissioners or Compositors, were really judges, and acted as such in all matters within their jurisdiction.

In 1633 (Act c. 18, ratifying an Act passed in 1584, which cannot now be found) the Court of Exchequer was constituted on the footing on which it continued (with slight alteration) down to the Union in 1707. By Act 6 Anne c. 26, the Court of Exchequer was established 'to be a Court of Record, Revenue and Judicature,' and so continued until by Acts, 2 William IV., c. 54, 3 William IV. c. 13, and 19 & 20 Vic., c. 56, the Court was abolished, and the whole power, authority, and jurisdiction vested in the Court were transferred to the Court of Session.

It is a matter for regret that the Exchequer officials have retained possession of a large portion of these Records. See the excellent abstract of Exchequer Records prepared for the Record Commissioners.

(1.) **The Chamberlains or Exchequer Rolls of Scotland** (*Rotuli Scaccarii Regum Scotorum*).

- (1.) TWO FRAGMENTS of TRANSCRIPTS made by the first Earl of Haddington, one extending from 1262 to 1266, and the other from 1288 to 1290.
- (2.) EXCHEQUER ROLLS. From 1326 to 1748.

It was usual, at intervals mostly of a year, for the Lords Auditors to audit the accounts of the various officials, after which these accounts, or at least the more important, were engrossed for preservation, down to the year 1672, upon parchment *Rolls*, and thereafter in *Books* of parchment. They form the most complete series of Public Records in the Register House, and are of great value in the insight which they give of the historical, political, and domestic condition of Scotland.

These Records are in course of Publication, edited by Mr Burnett, Lyon King of Arms. Part of the first volume was edited by the late Dr John Stuart.

(2.) **Accounts of the Lord High Treasurer of Scotland** (*Compota Thesaurariorum Regum Scotorum*). From 1473 to 1635.

One volume of these 'accounts' has been published, edited by Mr Thomas Dickson, the Curator of the Historical Department.

(3.) **Lords Auditors of Exchequer, Acts and Decrees, Minute Book, etc.** From 1584 to 1659.

(4.) **Various Rolls of Accounts.**

(5.) **Customs, Tariffs, Blench Duties, etc.**

(6.) **Accounts of the Army, and of the Customs and Expenses of the King's Works, during the 16th and 17th Centuries.**

## (7.) Records relating to Crown Lands:—

(1) RENTALE SUPREMI DOMINI NOSTRI REGIS. 1476 to 15 January 1588.

(2) RENTALE at LENTH of the KINGIS GRACIS LANDIS, 1505.

The date appears only in the Rental of the Lordship of Stewartoun.

(3) RENTAL of the LORDSHIP of DUNFERMLINE, EARLDOM of ROSS, LORDSHIP of ARDMEANACH, and ETTRICK FOREST. From 1619 to 1633.

The Lordship of Dunfermline was presented by James I. to his queen in 1592, and in 1606, the Lands of the Lordship and Regality south of the Forth were dissolved from the Crown, and granted to the Earl of Dunfermline.

The Earldom of Ross was renounced by John, Lord of the Isles, and annexed to the Crown in 1476; and the Earldom, with the Lordship of Ardmannoch, was given as a provision to the second son of James III.

The Lordship of Ettrick Forest was annexed to the Crown in 1455, and dissolved to be set in feu in 1587.

(4) LIBER RESPONSIORUM AD CAPELLAM REGIAM. From 23 October 1513 to 19 May 1659.

This is a Responde Book of Superiorities paid into Exchequer.

(5) INDICES LIBRORUM RESPONSIORUM AD CAPELLAM REGIAM. From 1437 to 1618.

These are indices to the above mentioned Responde Book.

(6) RENTALE ORCHARDIE pro REGE et EPISCOPO (RENTALL of the KING and BISCHOP-PIS LANDS of ORKNEY). 1595.

This Rental of the Crown and Church Lands in Orkney was lodged in Exchequer by Bishop Law in 1612. It is a complete rental of the Scat or tribute payable to the king, maills and teinds of the whole of Orkney for the year 1595, and for several years thereafter.

This Rental was printed by Peterkin in 1820.

(7) REGISTER of SIGNATURES.—See page 35.

## (8.) Records Relating to Church Lands and Revenues, and Taxationes Super Scoticana Ecclesia Seculi XVI.

By the Act 1587, c. 8, all lands pertaining to prelates, religious houses and orders, Collegiate Churches, etc., were annexed to the Crown.

(1) REGISTER of ABBREVIATES of FEU CHARTERS of CHURCH LANDS.

Volume I.—From 1564 to 22 April 1569.

Volume II.—From 2 July 1575 to 1 December 1586.

Subsequent to March 1558, Feu Charters of Church Lands required, in terms of several Acts of Parliament, Confirmation by the Crown. On such Confirmation, certain Compositions were exacted, and received by the Lord Treasurer in Exchequer; and of these Charters Abbreviates were framed and kept in his office—hence the name of this Record. These Exchequer Records were presented to the Register House by the late Lord Hopetoun, who, however, retained possession of a Third Volume. A Fourth Volume is to be found in the British Museum.

## (2) RENTAL BOOKS.—1479 to 1565.

The first two volumes (undated) are entitled 'Rentals of the Temporality of Kirklands' in the different Counties, one volume relating to those Counties north, and the other to those south, of the Forth.

## (3) BENEFICES DISPOSED during the MINORITY of KING JAMES VI.—1567 to 1578.

## (4) ACCOUNTS of the COLLECTORS of THIRDS of BENEFICES.

(1) Collectors-General of the whole Kingdom.—1561 to 1595.

(2) Sub-Collectors in the different Counties.—1563 to 1573.

## (5) REGISTER of the STIPENDS assigned to the REFORMED CLERGY in pursuance of ACT of PARLIAMENT passed in DECEMBER 1567.—1567 to 1572.

## (6) REGISTER of the ASSIGNATION and MODIFICATION of MINISTERS' or READERS' STIPENDS.—1576 to 1615.

The Record for 1574 is preserved in the Advocates' Library.

## (7) ASSIGNATION and SUPERPLUS of the THIRDS of BENEFICES, together with the UNPLACED MINISTERS' STIPENDS.—1594 to 1609.

## 9. Royal Household Books, etc.

## (1) LIBER DOMICILII SUPREMI DOMINI REGIS.—19 August 1528 to 15 October 1553.

The volume 1525 to 1526, is in the Advocates' Library, and volume 1538-39 is in the possession of the Earl of Aberdeen.

## (2) LIBER EMPTORUM SUPREMI DOMINI NOSTRI REGIS.—1 September 1511 to 25 October 1553.

## (3) COMPTS of HIS MAJESTY'S APPAREL, ETC.—4 May 1590 to 19 July 1600.

## (4) INVENTORIES of the ROYAL WARDROBE, ETC.—25 March 1539 to 23 February 1585.

## (5) DESPENCES DE LA MAISON ROYALE.—1 January 1538 to 30 September 1565.

## (6) COMPTS of the COMPTROLLER, ETC.—1 November 1559 to 1 September 1636.

## RECORDS OF THE COURT OF EXCHEQUER.

## 1. Crown Rents and Casualties of Superiority.

## (1) Chancery Precepts directed to the Sheriffs for Inbringing of Rents of Crown, with executions thereon, 1756-60.

## (2) Bonds of Presentation to the Receiver of Crown Rents in Scotland, 1706-38.

## (3) Proceedings against Crown Vassals for their rents, 1690-1773.

## (4) Abstracts of the Accounts of the Receiver-General, 1726-30.

## (5) Papers generally referring to the Recovery of Crown Rents, 1671 to 1756.

## 2. Excise and Customs—Revenue.

- (1.) Recognisances by Parties sued for breach of the revenue laws, 1763-65.
- (2.) Papers generally applicable to proceedings before Exchequer, in connection with the Inbringing of the revenue, 1642 to 1736.

## 3. General Proceedings before Exchequer.

- (1.) Draft Bills. The Advocate-General *v.* Various Individuals, *circa* 1710.
- (2.) Do., 1708-26.
- (3.) Petitions to the Lords of Treasury and Exchequer, 1664.
- (4.) Petitions to the Barons of Exchequer, 1709-24.
- (5.) Do., no date.
- (6.) Royal Warrants for payment of various sums for various purposes, 1755-93.
- (7.) Oaths and Declarations of Loyalty, etc., 1674-1711.
- (8.) Drafts and Copies of Signatures, 1758-63.
- (9.) Draft Bonds of Caution for Tutors Dative, 1641-2.
- (10.) Action of Count and Reckoning. The Receiver General *v.* The Representatives of the Deputy Receiver-General, 1786.
- (11.) Warrant authorising the Establishment of an Exchequer Court in Scotland, 1656.

## 4. Royal Commissions to various Crown Officers. 1667-1781.

## 5. Muster Rolls of Regiments of Foot and Horse stationed in various posts and castles of Scotland, 1667-91.

## 6. Miscellaneous Accounts and Vouchers.

- (1.) Accounts of the sums of money extorted from, and depredations made upon, the Non-Conformists by the Military during the year 1667-8.
- (2.) Accounts connected with the maintenance of the various Garrisons in Scotland, 1689-90.
- (3.) Accounts of the Commissioners of Equivalent, 1689-1726.
- (4.) Accounts and Vouchers referring to the management of Post Office, 1696 to 1710.
- (5.) Vouchers of Accounts of the Earl of Lauderdale, General of the Mint in Scotland, 1709-23.
- (6.) Accounts of the Earl of Stair's Embassy to the French Court, *circa* 1714.
- (7.) Warrants by Barons of Exchequer for paying of Invalids, 1727-45.

## 7. Bishops' Rents.

Upon the final abolition of Episcopacy in Scotland at the Revolution, the landed estates of the Archbishops and Bishops were, by Acts 1689 c. 3, and 1690 c. 5, annexed to the Crown, and Rentals or Rent Rolls thereof were returned to the Treasury by the Clergy, or by their Factors or Stewards.

(1.) General Collectors' Accounts and Vouchers for Crops, 1691 to 1770.

(2.) Sub-Collectors' Accounts and Vouchers:—

- (1.) Diocese of Aberdeen, 1760-61.
- (2.) Do. Caithness, 1689-94, and 1756-7.
- (3.) Do. Dunkeld, 1691-5.
- (4.) Do. Edinburgh, 1687 to 1740.
- (5.) Do. Galloway, 1694 and 1754-5.
- (6.) Do. Glasgow, 1692 to 1707.
- (7.) Do. Moray, 1692-4.
- (8.) Do. Ross, 1691-4, and 1701-5.
- (9.) Do. St Andrews, 1692-4, and 1746-50.

(3.) Vouchers of the General Application of Bishops' Rents:—

- (1.) Receipts for Payments made to the University of Aberdeen, 1724-70.
- (2.) Do. to University of St Andrews, 1724-70.
- (3.) Do. to the University of Edinburgh, 1726-70.
- (4.) Do. to Lords of Session, 1725-70.
- (5.) Do. to Commissaries of Edinburgh, 1726-70.
- (6.) Do. of Ministers' Stipends, 1726-70.
- (7.) Do. to Schoolmasters, 1724-36.
- (8.) Do. for payments of Cess, 1725-70.

(4.) Accounts, with Relative Vouchers of Mr George Douglas, His Majesty's Solicitor for Tythes, 1730-41.

## 8. Vacant Stipends.

- (1.) Diligences by the Collector of Vacant Stipends against the various Parties liable in said Stipends, with Decrees of Modification and Locality, instructing and ascertaining the several liabilities of Parties, 1693-6.
- (2.) Commissions and Factories by General-Collector in favour of Sub-Collectors, 1693 to 1706.
- (3.) Vouchers instructing payments made by Collectors to Messengers for executing Diligences against Heritors, 1693.
- (4.) Acts and Warrants by the Lords Commissioners of the Treasury upon the Collector of Vacant Stipends, ordering the payment of money out of said Stipends for various public purposes, with acknowledgments of payment thereon, 1695-8.

## 9. Administration of Royal Bounty granted for the Support of Itinerant Preachers and Catechists in the Highlands and Isles of Scotland, Accounts and Vouchers, 1732-67.

An old Book in parchment cover, containing DECLARATIONS and DEPOSITIONS of LOYALTY, etc., begins in July 1680.

10. Miscellaneous. 1584 to 1783, etc.

11. Marchmont Papers.

- (1) Letters between Members of Marchmont Family, 1697 to 1730.
- (2) Cash Book in hand-writing of Lord Kimmerghame (2 volumes).

12. Murray Papers.

- (1) Accounts and Vouchers which belonged to Lord Edward Murray and the Hon. John Murray, his son.
- (2) Papers, etc., which belonged to Lord Edward Murray, and Hon. John Murray, his son, 1718-43.

13. Oaths of Allegiance and Declarations of Assurance to various Sovereigns.

14. Earl of Morton's Papers found in the room containing the Forfeited Estate Papers,—5 bundles.

15. Writs and Title Deeds connected with the Lands of Whitehill, in the Parish of Aberdour and Shire of Fife.—1 bundle supposed to belong to Earl of Morton.

16. Miscellaneous Old Deeds found among the Earl of Morton's papers, 1409 to 1723.

17. Public Records in the Office of the Clerk of the Pipe.

It is stated that 'the Records of the Pipe, as they relate only to the Public Revenue of the country, are not considered as open for public inspection;' and that they are only deposited in the Register House for preservation. There is a separate Repertory for these Records. By the Act 6 Anne, c. 26, all Public Records relating to Revenue of the Crown were, after registration in the office of the King's Remembrancer and Lord Treasurer, delivered into the Pipe Office, where 'quietuses,' or discharges, were appointed to be made.

- 1. Great Roll of Public Accounts.
- 2. Record of Quietuses.

There are a few Accounts of date prior to the Union, but the regular series commences in 1708.

18. Record of Taxations during the 16th and 17th Centuries.



## RECORDS of ESTATES FORFEITED by the REBELLIONS of 1715, and 1745-6.

Prior to the Rebellion of 1715, Gifts of Forfeiture in cases of high treason and other crimes termed 'Crimes of the Crown,' were made to private individuals as an inducement to loyalty. Where the subjects were heritable, such gifts were sometimes recorded at once in the Great Seal Register *per saltum*, but oftener came to the Court of Exchequer, as in the case of other signatures for infeltnent. Where the subjects consisted of moveables, the Gifts were always taken to the Privy Seal with the consent of the Lords of Exchequer.

### I. VOLUMES connected with the MANAGEMENT and DISPOSAL of ESTATES FORFEITED by the REBELLION of 1715.

#### 1. General Management.

- (1.) List of Claimants, without date.
- (2.) Particulars of Claims, without date.
- (3.) List of Claims (sustained), without date.
- (4.) Warrants for payment of Claims, 1720 to 1783, with Indices.
- (5.) Debentures to Creditors, 1724.
- (6.) Account of Debentures issued, 1720 to 1724.
- (7.) Minutes of Commissioners, 1718 to 1726.
- (8.) Report by Commissioners of Enquiry (Abstracts of Rentals), 1719.
- (9.) Precepts by Commissioners of Enquiry to Intromitters with the Rents of Estates, 25th June to 3d July 1718.
- (10.) Account of Receiver General's Intromissions, 1718 to 1730.
- (11.) General Record kept by Commissioners, with Index, 1717 to 1742.
- (12.) Precepts by Commissioners to Surveyors, 1st December 1716 to 13th February 1717.
- (13.) Certificates by Factors, etc., given in to the Exchequer by Commissioners, 1724 to 1725.
- (14.) Depositions of Witnesses as to the Goods belonging to Attainted Persons, 1716.
- (15.) Rentals, without date, unbound.
- (16.) Judicial Rental, 1717 to 1718.
- (17.) Certified Copies of Sasines, 1715.

#### 2. Particular Management.

##### Panmure.

- (1.) Rental, without date.
- (2.) Extract Submission and Decreet-Arbitral between the Creditors upon Estate of Edziel, and the Factors appointed thereon, 1714.

## Marischall.

Proceedings before the Barons of Exchequer, concerning the clearance of price of Estate purchased by the York Building Company, 1725 to 1776.

## II. VOLUMES connected with the MANAGEMENT of ESTATES forfeited by the REBELLION 1745-6.

### 1. General Management.

- (1.) List of Claims (sustained), with Index, 1745-6.
- (2.) Register of Claims, 1748 to 1772. Proceedings on Claims, 1756 to 1787.
- (3.) Receipts for Precepts for Payment of Claims, 1761 to 1784.
- (4.) Warrants by Barons of Exchequer, for Payment of Claims, 1748 to 1791.
- (5.) Entry Book of Debts authorised to be paid by Parliament, 1752.
- (6.) Schemes of Division (Debts on Estates), 1754.
- (7.) Minutes of the Barons of Exchequer, 1747 to 1805.
- (8.) Record of the Correspondence of Barons of Exchequer, 1746 to 1818.
- (9.) Rent Rolls made up from Judicial Surveys, 1745-55.  
Bundle of Rent Rolls without date.
- (10.) Judicial Rental, 1755.
- (11.) Certificates by Sheriffs of having published and registered Rentals, 1748-66.
- (12.) Minutes of Commissioners appointed for management of *annexed* Estates (Act 20, Geo. II. c.—), 1755-1784.  
Abstract of the Minutes of Commissioners, 1757 to 1761.
- (13.) Record of Correspondence of Commissioners, 1755-80.
- (14.) Chartularies of Commissioners, with Index, 1763-84.
- (15.) Record of Factories, Assignations, etc., with Index, 1750-78.
- (16.) Commissions by Commissioners to various Officers, 1762-83.
- (17.) Journal of Commissioners, 1767-84.
- (18.) Record of Dispositions, Assignations, Discharges, etc., 19 June 1751 to 4 February 1793.
- (19.) Reports by various Officers of Commissioners :—
  - (1.) State of Farms, 1755-64.
  - (2.) Reports by Factors, 1755.
  - (3.) Report concerning Highlands generally, to General Assembly of Church of Scotland, 1760.
  - (4.) Reports by General Inspector, 1767.
  - (5.) Scientific Surveys, 1770-75.
  - (6.) Measures and Estimates of Farms upon Estates of Lochgarry and Arnprior, 1772.
- (20.) Reports to the King and Treasury, by Commissioners, 1755-61, and 1761-78.
- (21.) Letters of Approbation by His Majesty, of actings of Commissioners, 1761-84.

- (22.) Ledgers of Commissioners, 1756-59; 1761-76, and 1776-81.
- (23.) Accounts of Law Expenses, connected with :—
  - (1.) Litigation upon Estates, 1748-63.
  - (2.) General Business, 1758-67.
  - (3.) Solicitor for Forfeitures, 1767-88.
- (24.) Accounts of Factors' Intromissions, (1) 1746-55, with Index; (2) 1746-57, with Index; and (3) 1758-69.
- (25.) Miscellaneous Account Books.
  - 1. Disbursements upon various Estates, Index, 1748-58; 2. General view of Rents and Profits of Estates, 1752-1809; 3. Disbursements upon various Estates, 1764; 4. Monies received and paid by Receiver-General, 1766-70; 5. Money expended on Improvements, 1766-84; 6. Intromissions with monies arising from Estates, 1766-79; 7. Money received and paid by Receiver-General, 1770; 8. Record of Accounts showing the application of monies arising from Forfeited Estates on being restored to Descendants of forfeiting persons, 1801-20.
- (26.) Accounts of Salaries of Officers, 1801-18.
- (27.) Articles and Conditions of Sale of various Estates, 1752-56.
- (28.) Record of Bonds of Caution, Commissions, Discharges, etc., kept by Barons of Exchequer, 1784-1813.
- (29.) Record of Royal Commissions, 1755.
- (30.) Index to Leases and Charters, agreed to be granted by Commissioners.

## 2. Particular Management.

- ARDSHEAL, Factors' Accounts, 1770-82.
- ARNPRIOR, Minutes of Commissioners, with Index, 1768-84; Rent Roll, 1755; Factors' Accounts, 1770-81.
- BARRISDALE, Rental 1755; Minutes of Commissioners, 1768-83; Report concerning Farms, 1771; Plans of Farms without date; Factors' Accounts, 1753-82.
- CLUNY, Reports, etc., without date; Factors' Accounts, 1770-91.
- CALLART, Factors' Accounts, 1770-82.
- CROMARTY, Rentals 1748-55; Factors' Intromissions, 1753-84; Plans of Coygach, without date.
- KINLOCHMOIDART, Rental 1755; Factors' Accounts, 1770-82; Minutes of Commissioners, 1772-82.
- LOCHGARRY, Factors' Accounts, 1771-84; Minutes of Commissioners, 1771-84.
- LOCHIEL, Rental, 1748; Factors' Accounts, 1770-82; Plans and Estimates, without date; Minutes of Commissioners, 1770-84.
- LOVAT, Rentals 1748-55; Factors' Accounts, 1753-72; Observations upon a Survey of part of the Estate, without date; Decrees of Baron Court of Lovat, 1749; Claims by Factor on Estate, 1750.
- LOVAT and CROMARTY, Accounts of Money expended in Improvements, 1766-76.

MONALTRY, Rent Rolls, 1747-55; Factors' Accounts, 1753-83; Minutes of Commissioners, 1768-84.

GRADEN, Decreet sustaining Claim of Marquis of Lothian to the Property of said Estate, 1768.

PERTH, Judicial Rentals, 1747-1766; Rent Rolls, 1755-84; Minutes of Commissioners, 1768-84; Reports, Estimates, etc., 1749-1783; Field Book, 1775; Obligations by Tenants, 1774; Journal of Inspector, 1780-1; Factors' Accounts, 1742-84; State of Accounts, 1720-34.

STRUAN, Rent Roll, 1755; Factors' Accounts, 1753-84; Reports, Plans, etc., 1758; Minutes of Commissioners, 1768 to 1784.

### III. DOCUMENTS connected with the MANAGEMENT of ESTATES FORFEITED by the REBELLIONS of 1715 and 1745-6, and of OTHER EXCHEQUER WARRANTS.

- (1) ARNPRIOR (Francis Buchanan), Rebellion, 1745-6; (2) ARDSHEAL (Charles Stewart), Rebellion, 1745-6; (3) APPLECROSS (Alexander Mackenzie), Rebellion, 1715; (4) AYTON (James Home), Rebellion, 1715; (5) AVOCH (John Mackenzie), Rebellion, 1715; (6) AUCHTERTYRE (William Murray), Rebellion, 1715; (7) AUCHINTOULL (Major-General Alex. Gordon), Rebellion, 1715; (8) ASLIED (Adam Hay), Rebellion, 1745-6; (9) GEORGE ABERNETHY, Merchant in Banff, Rebellion, 1745; (10) ABERLOUR (Patrick Gordon), Rebellion, 1715; (11) APPIN (Robert Stewart), Rebellion, 1715; (12) AIRLEY (James Ogilvy, commonly called Lord Ogilvy), Rebellion, 1715; (13) BALDOON (Basil Hamilton), Rebellion, 1715; (14) BARRISDALE (Coll. Macdonell), Rebellion, 1745-6; (15) BURLEIGH (Colonel John Balfour), Rebellion, 1715; (15½) BALFOUR (James Bethune), Rebellion, 1715; (16) BARROWFIELD (John Walkinshaw), Rebellion, 1715; (17) Dr PATRICK BLAIR, residing in Coupar-Angus, Rebellion, 1715; (18) BORLICK (John Stewart), Rebellion, 1715; (19) BORLUM (Brig. Gen. William Mackintosh), Rebellion, 1715; (20) BANNOCKBURN (Sir Hugh Paterson), Rebellion, 1715; (21) BALMERINO and RESTALRIG (Lord Balmerino), Rebellion, 1745-6; (22) BALNAMOON (Alex. Carnegie), Rebellion, 1715; (23) BLARPHETTY (James Robertson), Rebellion, 1715; (24) BANTON (James Cornwall), Rebellion, 1715; (25) BOHILL (John Scrimzeor), Rebellion, 1715; (26) BURNFOOT (Andrew Porteous), Rebellion, 1745-6; (27) CALLART (Allan Cameron), Rebellion 1745-6; (28) CARNWATH (Robert, Earl of Carnwath), Rebellion, 1715; (29) COULL (Sir John Mackenzie), Rebellion, 1715; (30) CLAVA (Hugh Rose), Rebellion, 1715; (31) COMAR (Rodk. Chisholm), Rebellion, 1715; (32) CROMARTY (The Earl of Cromarty), Rebellion, 1745-6; (33) COYGACH, part of the Estate of Cromarty; (34) CROMLIX (Colonel John Hay), Rebellion, 1715; (35) CLUNY (Evan Macpherson), Rebellion, 1745-6; (36) CARLOPS (Archibald Burnet), Rebellion, 1715; (37) DÜNTROON (Wm. Graham), Rebellion, 1715; (38) DUFFUS (Kenneth, Lord Duffus), Rebellion, 1715; (39) DURN (Sir Jas. Dunbar), Rebellion, 1715; (40) DAVOCHMALUOCH (Alex. M'Kenzie) Rebellion, 1715; (41) DRUMLOCHY (Jas. Ramsay), Rebellion, 1715;

(42) DUNBOIG (Henry Balfour) Rebellion, 1715; (43) DRUMMOND (Jas., Lord Drummond), Rebellion, 1715; (44) DUNIPACE (Sir Archd. Primrose), Rebellion, 1745; (45) EAST RESTON (Robert Craw) Rebellion, 1715; (46) LORD ELCHO (David Wemyss), Rebellion, 1745,—contains *inter alia* King's Warrant for payment of £2848, 5s. 11d. to Town Council of Dumfries, in reimbursement of £2000 extorted by the Rebels in their retreat from England; (47) EASTERTYRE (Donald Robertson), Rebellion, 1715; (48) FINDHAVEN (Carnegie), Rebellion, 1715; (49) FORRET (Michael Balfour), Rebellion, 1715; (50) FYVIE and URQUHART; (51) FINGASK (Sir David Thriepland), Rebellion, 1715; (52) FAIRBURN (Roderick Mackenzie), Rebellion, 1715; (53) FAIRNEY (Col. John Balfour), Rebellion, 1715; (54) FRASERDALE (Alex. Mackenzie), Rebellion 1715; (55) GLASCLUNE (John Blair), Rebellion, 1715; (56) LORD LEWIS GORDON, Rebellion, 1745-46; (57) GLASTULLICH (Roderick McCulloch), Rebellion, 1745-46; (58) GLENRIDDELL (Walter Riddell), Rebellion, 1715; (59) GLENCOE (Alex. MacDonald), Rebellion, 1715; (59½) JOHN STEWART of Glenbeich, Rebellion, 1715; (60) GLENDERWELL (Colin Campbell), Rebellion, 1715; (61) GASK (Lawrence Oliphant), Rebellion, 1745-6; (62) GLENMORRISTON (John Grant), Rebellion, 1715; (63) GLENCARSE (Lord George Murray), Rebellion, 1745-6; (64) GLENBUCKET (John Gordon), Rebellion, 1745-6; (65) GRANGE (James Malcolm), Rebellion, 1715; (66) GRADEN (Henry Kerr), Rebellion, 1745-6; (67) DUKE OF HAMILTON, Rebellion, 1715; (68) JOHN HAMILTON, Factor to the Duke of Gordon, Rebellion, 1745-6; (69) INVERNITY (John Stewart), Rebellion, 1715; (70) INVERAY (Patrick Farquharson), Rebellion, 1715; (71) INVERSNAIT (Robert Campbell *alias* ROB ROY MACGREGOR), Rebellion, 1715; (72) KEIR (James Stirling), Rebellion, 1715; (73) KINLOCH (Sir James Kinloch Nevay), Rebellion, 1745-6; (74) KILCONQUER (John Carstairs), Rebellion, 1715; (75) KINNACHAN (John Stewart), Rebellion, 1715; (76) KINLOCHMOYDART (Donald MacDonell), Rebellion, 1745-6; (77) KENMURE (William Viscount Kenmure), Rebellion, 1715; (78) KIRKHOUSE (Andrew Cassie), Rebellion, 1715; (79) KILSYTH (Viscount Kilsyth), Rebellion, 1715; (80) KINGSTOUN (James, Vicount of Kingstoun), Rebellion, 1715; (81) KINLOCHLAGGAN (Evan Macpherson of Clunie), Rebellion, 1745-6; (82) KILCOWIE (Donald Mackenzie), Rebellion, 1715; (83) KEPPOCH (Donald Macdonell), Rebellion, 1745-6; (84) LITHINDY (Lawrence Mercer), Rebellion, 1745-6; (85) LOCHGARY (Donald Macdonald), Rebellion, 1745-6; (86) LAGG (Wm. Grierson), Rebellion, 1715; (87) LINLITHGOW (Earl of Linlithgow), Rebellion, 1715; (88) LATHRISK (Patrick Seaton), Rebellion, 1715; (89) LOCHIEL (John Cameron), Rebellion, 1715, and (Donald Cameron), Rebellion, 1745-6,—contains Draft Disposition by His Majesty of lands of Lochiel in favour of Donald Cameron, descendant of attainted person; (90) LOVAT (Simon, Lord Lovat), Rebellion, 1745-6,—contains Papers connected with the restoration of the Estate to Major-General Simon Fraser, eldest son of the attainted person, 1774; LOVAT and CROMARTY; (91) LORN (Jno. Macdougall), Rebellion, 1715; (92) PATRICK LINDSAY; (93) LAUHLAN M'INTOSH, Inverness, Rebellion, 1745-6; (94) JOHN MACKINNON of that Ilk, Rebellion, 1715; (95) MONALTRY (Francis Farquharson), Rebellion, 1745; (96) MOYDART (Ronald Macdonald), Rebellion, 1715;

(97) MAR (John, Earl of Mar), Rebellion, 1715; (98) MUIRTOWN (Sir Thos. Calder), Rebellion, 1715; (99) MARISCHALL (George, Earl of Marischall), Rebellion, 1715; (100) NITHSDALE (Earl of Nithsdale), Rebellion, 1715; (101) NUTHILL (George Mackenzie), Rebellion, 1715; (102) JAMES NICOLSON, Vintner, Leith, Rebellion, 1745; (103) NAIRN (Wm., Lord Nairn), Rebellion, 1715, and (John, Lord Nairn), Rebellion, 1745; (104) PARK (Sir Wm. Gordon), Rebellion, 1745; (105) PITSLIGO (Lord Pitsligo), Rebellion, 1745; (106) PITCAIRN (Andrew Pitcairn of that Ilk), Rebellion, 1715; (107) PRESTONHALL (Sir John Preston of Prestonhall), Rebellion, 1715; (108) PARKHILL (James Baillie); (109) POWISE (Robert Rollo), Rebellion, 1715; (110) PRESTONGRANGE; (111) PITSCANDLY (John Lindsay), Rebellion, 1715; (112) POWHOUSE (Robert Rollo), Rebellion, 1715; (113) PANMURE (James, Earl of Panmure), Rebellion, 1715; (114) PERTH (John Drummond, commonly called Lord John Drummond), Rebellion, 1745; (115) REIDHOUSE (General George Hamilton), Rebellion, 1745; (116) ROSCOMMON (Wm. Sutherland), Rebellion, 1715; (117) DAVID ROW, Comptroller of the Customs, Anstruther, Rebellion, 1745; (118) SOUTHESK (James, Earl of Southesk), Rebellion, 1715; (119) SEAFORTH (Earl of Seaforth), Rebellion, 1715; (120) STRATHALLAN (Viscount of Strathallan), Rebellion 1745; (121) SLATE (Sir Donald M'Donald), Rebellion, 1715; (122) SCOTSTOWN (Wm. Walkingshaw), Rebellion, 1715; (123) STRATHGLASS (Patrick Chisholm), Rebellion, 1715; (124) STROWAN (Alex. Robertson), Rebellion, 1715; (125) STRONE (Lachlan M'Intosh), Rebellion, 1715; (126) ST GERMAINS; (127) TOUCH (Archd. Seaton), Rebellion, 1715; (128) TARPERSIE (Chas. Gordon), Rebellion, 1745; (129) WEDDERBURN (George Home), Rebellion, 1715; (130) WOODEND (Alex. Menzies), Rebellion, 1715; (131) WAMPHRAY (Robert Johnston), 1715; (132) WHITERIGGS (Silvester Douglas), Rebellion, 1715; (133) WINTON (George, Earl of), Rebellion, 1715; (134) WHITEFIELD (George Home), Rebellion, 1715; (135) WHITTINGHAM (James, Viscount of Kingston), Rebellion, 1715.

#### IV. PAPERS connected with the GENERAL MANAGEMENT of ESTATES FORFEITED by the REBELLION of 1715.

1. Minutes of the Commissioners of Enquiry.
2. Proceedings upon Claims.
  - (1) Claims by Creditors upon Estates of persons not mentioned in any of the Lists of Attainder.
  - (2) Claims for Compensation by persons whose property was destroyed by fire or taken away by the King's Forces or Rebels during the Rebellion.
  - (3) Assignations of Claims for losses sustained during the Rebellion, 1721-2.
  - (4) Decrees following upon Claims, List of Decrees, etc.
  - (5) Appeals by Claimants to Court of Delegates from the Decisions of the Trustees of Enquiry, 1723-4.
  - (6-1) Draft Appeals by Claimants to House of Lords from Decisions of Court of Session.

- (6-2) Exceptions made to the Court of Session against various surveys, and answers to these exceptions, 1719.
- (7) Printed Copies of Appeals to House of Lords from decisions of Court of Session, 1719 to 1721.
- (8) Cases relating to Creditors, with the Opinions of Counsel.
- 3. Printed Copies and Draft Reports to His Majesty by the Trustees of Enquiry. No dates.
- 4. Accounts with relative Vouchers connected with Management of Estates, 1715 to 1746.

## V. PAPERS connected with the GENERAL MANAGEMENT of ESTATES FORFEITED by the REBELLION of 1745-6.

- 1. Minutes of Proceedings of Commissioners, 1755-84.
- 2. Schemes of Improvement.
  - (1) Papers connected with the building of Schools and Churches in various parts of the Highlands and Isles of Scotland, 1755-81.
  - (2) Papers connected with the formation of Roads and Canals, the building of Bridges, Piers, and other Public Works, 1756-93.
  - (3) Reports of Botanical, Mineral, and other Scientific Surveys, 1756-81.
  - (4) Papers connected with Engineers' Surveys, 1758-84.
  - (5) Papers connected with the Promotion of Improvements in Agriculture on various Estates, 1762-81.
  - (6) Papers connected with the Promotion of Manufactures in the Highlands and Isles of Scotland, 1763-70.
  - (7) Applications, etc., by Sons of Tenants and others, to Board of Commissioners for Assistance in learning Trades, etc., 1765-81.
  - (8) Papers connected with the promotion of the Fisheries in the Highlands and Isles of Scotland, 1767-84.
  - (9) Feu Charters by Commissioners, 1784.
- 3. Accounts.
  - (1) Abstracts or States of Accounts shewing the Yearly Revenue arising from said Estates, 1782-84.
  - (2) Business Account of John Russell, Solicitor, for Forfeitures, with Auditor's Reports thereon, 1757-72.
  - (3) Accounts shewing the Amount of Monies arising from Annexed Estates on their being restored to the Heirs of the Forfeiting Persons, and the Application of said money for various Public Purposes, 1785 to 1820.
  - (4 and 5) Accounts and Vouchers connected with the General Management of Estates by Commissioners, and Barons of Exchequer, 1768-82, and 1783 to 1802.
  - (6) Accounts and Vouchers of the Intromissions of Charles Moodie, Clerk in the Auditor's Office, Exchequer, with the Monies arising from Estates on being restored, 1805-20.
- 4. Draft Reports to His Majesty concerning the Management of said Estates by Commissioners. No dates.



## VI. PAPERS applicable to FORFEITURES in GENERAL.

1. Lists of Attainted Persons and Lists of Claims upon their Estates.
2. Commissions to Factors and Lists of Factors.
3. Rentals and Lists of Arrears of Rents, 1716-69.
4. Papers connected with the Sales of Superiorities of Estates.
5. Orders for payment of charges upon Estates, 1720-31.
6. Reports by Managers of Estates, 1717-28.
7. Petitions and Memorials.
8. Letters addressed to Barons of Exchequer, and to the respective Boards of Commissioners appointed for the Management of Estates forfeited by the Rebellions, 1715 and 1745-6, 1715 to 1804.
9. Plans of various Estates.
10. Judgments of the Court of Oyer and Terminier for the Tryal of parties implicated in the Rebellion of 1715.
11. Miscellaneous Papers connected with the Management of Estates, 1715 to 1807 (2 bundles).

## DILIGENCE RECORDS.

### (1.) Register of Adjudications.

This is a Record for publication. The first part was termed 'the Register of Apprysings or Comprysings,' and, down to the year 1641, the writs affecting the lands north and south of the Forth were kept separate. The Register of Adjudications was established by the Act 1672, c. 45, at the time the diligence of adjudication was substituted for that of apprising as a means of transferring, by decree of a court, heritable rights from debtors to their creditors, in payment or for security of their debt. By the Land Registers Act 1868, sec. 17, the Minute Book and Index were conjoined with those of the Inhibition Records to form the Register of Inhibition and Adjudications.

#### 1. REGISTER OF APPRYSINGS OR COMPRYSINGS—

For lands north of Forth—18 March 1636 to 1641.

For lands south of Forth—31 May 1636 to 1641.

For Scotland—7 December 1641 to 1672.

#### 2. REGISTER OF ADJUDICATIONS—1672 to date.

Current, and transmitted annually.

### (2.) Registers of Inhibitions.

These Records are also for publication. Inhibition was known in practice from a very early period; but Registers were not established until the year 1581 (c. 24). The diligence is prohibitory, and enables a creditor to interpel his debtor from disposing of, or burdening, his heritable property to his creditor's prejudice. Here also appear notices of sequestrations under the Bankruptcy Acts, and intimations in cases of litigiousity.



1. **General Register of Inhibitions—**

From 21 January 1602 to date.

Current, and transmitted annually.

2. **Particular Register of Inhibitions** for the various Counties in Scotland from the close of the 16th century to 13 December 1868, when these Particular Registers terminated in terms of the provisions of the Land Registers Act 1868, sec. 16.

3. **Register of Inhibitions and Adjudications.**

From 1 January 1869 to date. Current and transmitted annually.

This Record was formed by the Land Registers Act of 1868. *See page 52.*

(3.) **Register of Hornings.**

From 20 July 1610, current.

The diligence of Horning was that by which Decrees, etc., were formerly carried into execution. The Acts 1579, c. 13 and 1597, c. 268, required registration of the Letters of Horning and Execution against the debtor in this Register on pain of nullity. It is now (though still competent) practically superseded by the Personal Diligence Act.

(4.) **Bill Chamber Records.**

A large portion of the three following classes of Records was obtained in 1859 from a dealer in waste paper.

1. **Register of Acts of Cautionary and Consignation in Sequestrations.**

From 7 January 1573, to 29 December 1694, and from 1 to 10 January 1705.

2. **Register of Lawburrows.**

From 18 February 1603 to 7 December 1706.

The process of Lawburrows was introduced by the Act 1449, c. 13. It is used in cases where a person having reason to dread bodily harm from another applies to the Court for protection.

3. **Register of 'Loosing' of Arrestments.**

From 1 July 1617 to 13 December 1706.

This Register was introduced by the Act 1617, c. 17, which transferred from Messengers to the Clerk of the Bills the duty of judging of the sufficiency of the security offered in applications for loosing of arrestments.

4. **Sequestration Processes.**

In Sequestrations awarded by the Court of Session and remitted to the Sheriff, the Process of Sequestration is held to be in the Bill Chamber, the 'Clerks

‘ to the Bills ’ being, under the Bankruptcy Acts, appointed Clerks to the Sequestrations, and Custodiers of the Judicial proceedings, in room of the Principal Clerks of Session. The Sheriff Clerk of each County is Clerk to the Sequestrations awarded by the Sheriff of the County.

Under the Act of Sederunt of 8 June 1850, the whole proceedings, including ‘ the Sederunt Book in Sequestrations in which the trustee has been ‘ discharged, or the sequestration otherwise finally disposed of,’ were, from the year 1839, transmitted to the Record room; and annual transmissions of these concluded processes are now regularly made. There is an Index to these Records.

#### 5. Concluded Sequestrations.—Office of the Accountant in Bankruptcy.

Since the establishment of this Office in 1856, under the Act 19 & 20 Vic., c. 79, an annual transmission to the Record room is made with the sanction of the Court, by the Accountant, of all the Warrants of concluded sequestrations accruing within this Office.

### BOOKS OF COUNCIL and SESSION.

These are public Registers of great importance, in which Deeds and Obligations of every kind have been recorded. From the institution of the Court of Session in 1532, to the year 1554, deeds presented for registration were recorded in the same series of books with the Decrees of the Court and its Acts of Sederunt. At the restoration of Charles II., in order to equalise the emoluments of the three principal Clerks of Session, a plan was adopted of each keeping a separate Register. This was abolished by Act of Sederunt 10 July 1811, and after 2 January 1812, the three Registers were combined in one.

There are three great Classes of Writs recorded in these Registers. The first are those deeds which contain a clause by which the granter consents to its registration, not only for the purpose of preservation, but that a Decree of Court may be interponed to compel performance. Accordingly, in such cases, the Deed itself is retained for preservation, as well as engrossed in the Record Volume, and an office copy, termed an ‘ Extract,’ containing warrant for execution against the granter, signed by the Keeper, is issued. The second class form a Record of Probative Writs, established under the Act 1698, c. 4, in which every Probative writing may be recorded. Prior to 1868, Probative Writs, without a clause of registration, although recorded, were returned to the ingivers; but by the Act 31 & 32 Vic., cap. 34, passed in that year, it was enacted that such writs should no longer be given back, but should be retained by the Keeper of the Register for preservation. The earliest instance of registration for execution occurs, it is believed, in an agreement between the ‘ Lord Governor on the

‘ ta part, and the Erle of Ergile, and Lanchlan Macdane of Dowart on the tother part,’ dated in 1517.

Protested Bills and Promissory Notes registered under the Scots Act 1698, c. 4, formed the third class of Writs for which, by the Act of Sederunt, 10 July 1811, a separate Record was instituted. There are also separate records for the Register of English and Irish Judgments, the Register of Inventories *cum beneficio inventarii*, etc.

**(1) Register of Bonds, Contracts, Dispositions, etc., in Books of Council and Session.**

PART 1. Before the division into offices. From 17 November 1554 to 10 May 1659.

PART 2. DALRYMPLE, DURIE, and MACKENZIE'S OFFICES.

(1) DALRYMPLE'S OFFICE. From 6 May 1661 to 31 December 1811.

(2) DURIE'S OFFICE. From 7 May 1661 to 31 December 1811.

(3) MACKENZIE'S OFFICE. From 31 December 1661 to 31 December 1811.

During this period, search requires to be made in each Register.

**(2) New Series, called the Register of Deeds, instituted by Act of Sederunt 10 July 1811.**

From 2 January 1812 to date. Current and transmitted to this Department annually.

There are Indices to these Records from 1770 to date. Indices are also compiled for the bundles of writs recorded for preservation and publication or execution in the Sasine Office, and which are transmitted annually to this department.

**(3) Register of Protests on Bills and Promissory Notes.**

From 2 January 1812 to date. Current and transmitted to this department annually.

Although these writs contain no clause of registration, they are authorised by Statute (1681 c. 20, 1696 c. 36, and subsequent Acts) to be recorded, and to have the same privilege of summary diligence as Deeds recorded with consent of the granter.

**(4) Register for English and Irish Judgments.**

From 17 October 1868 to date.

This Register was instituted by the Act 31 & 32 Vic., cap. 34, with the object of rendering judgments or decreets obtained in certain courts in England and Ireland, effectual in Scotland. The Act provides (sec. 21) that a certificate of judgment recorded in this Register in like manner as a bond executed according to the law of Scotland, with a clause of registration for execution therein contained, ‘ shall from the date of such registration be of the same force ‘ and effect as a Decreet of the Court of Session, and all proceedings shall ‘ and may be had and taken on an Extract of such Certificate.’ Registration must be made within twelve months after the date of judgment, except in cases where authority has been obtained on application to the Lord Ordinary on the Bills.

- (5) **Register Book kept for Earl of Findlater and Seafield.** This Register was appointed to be prepared and kept by the Clerks of Session, pursuant to an Act of Parliament passed in the twentieth year of the reign of His Majesty King George the Second, entitled 'An Act for relief of such of his Majesty's Loyal subjects in ' that part of Great Britain called Scotland, whose title deeds and writings were ' destroyed or carried off by the rebels in the late rebellion.'  
From 1747 to 1750.

- (6) **Register of Inventories, *cum beneficio inventarii*.**

From 16 February 1696 to 10 March 1845.

The Act 1695, c. 24, conferred upon an apparent heir the privilege of entering to his predecessor's estate *cum beneficio inventarii*, whereby the liability of the heir was restricted to the value of the heritage given up in the inventory. It was necessary, in order to obtain this privilege, that an Extract of the Inventory from the Sheriff Court Books should be recorded in this Register.

## RECORDS of the JUDICIAL PROCEEDINGS of the COURT of SESSION.

1. **Register, Acta Dominorum Concilii** (Records prior to Institution of Court of Session), from 5 October 1478 to 15 May 1532.

A volume of the Acts of the Lords of Council in Civil Causes was published in 1839, edited by Mr Thomas Thomson.

2. **Register, Acta Dominorum Concilii et Sessionis**, from 27 May 1532 to 26 June 1559.

3. **Register of Acts and Decrees of the Lords of Council and Session.**

FIRST SERIES.—Before the division into offices, from 26 June 1542 to 26 February 1659. There is a bundle of Decrees from 1527 to 1542, without any corresponding Record.

SECOND SERIES.—At the Restoration of Charles II., this Register was divided into three offices, viz. :—those of Dalrymple, Durie, and Mackenzie.

(1.) DALRYMPLE'S Office.—From 4 June 1661 to 2 June 1810.

(2.) DURIE'S Office.—From 3 July 1661 to 12 June 1810.

(3.) MACKENZIE'S Office.—From 13 June 1661 to 12 June 1810.

NEW SERIES.—From 7 June 1810 to 20 June 1821.

PRESENT SERIES.—(The three offices combined into one).—From 2 June 1821 to date.

INDICES for the above Records commence in 1810, and are carried down to date.

4. **General Minute Book of Acts, Decreeets, Protestations, etc.**—From 6 June 1558 to 1659.  
General Minute Book of the Court of Session.—From 11 June 1661 to date.  
Current and transmitted periodically.
5. **Outer House Rolls.**
  - (1.) **ORDINARY ACTIONS.**—From 7 November 1685 to 1802.
  - (2.) **SUSPENSIONS AND ADVOCATIONS.**—From 5 January 1681 to 16 February 1799.
  - (3.) **PRINTED ROLLS.**—From 19 January 1799 to date.
6. **Books of Sederunt.**—From 15 January 1553 to 22 December 1852.
7. **Processes of the Court of Session.**  
All the processes of the Court of Session,—extracted as well as unextracted,—are tied up in bundles, and deposited in the Record Department of the Register House. There is a complete system of Indices to the Unextracted Processes brought down to date—for Extracted Processes *see* Acts and Decreeets. Annual Transmissions are made to the Record room by the Extractor of the Court of Session, and the Clerks of Session.
8. **Plans of Estates, Processes of Court of Session.**  
A list of the Plans of Estates found among the various Processes of the Court of Session is kept in the Record Room.
9. **Charters and other Writs** dated between the years 1700 and 1800, formerly in the OFFICES of the THREE EXTRACTORS of the COURT of SESSION.  
  
Index to the above from 1700 to 1800.
10. **Jury Court, Civil Causes tried in.**  
INDEX to EXTRACTED CAUSES, 1820 to 1831.  
List of Processes, Books, etc., transmitted by the Jury Clerk to the Record Room.  
WARRANTS chronologically arranged with Index to the names of the Pursuers.
11. **Records of the Bill Chamber of the Court of Session.** *See* page 53.
12. **Concluded Sequestrations—Office of the Accountant in Bankruptcy.** *See* page 54.
13. **Office of the Accountant of the Court of Session.**  
Annual Reports by the Accountant of the Court of Session, of the state of Judicial Factories falling under the Pupils' Protection Act, 12 & 13 Vic., c. 51. From 31 October 1850 to date.  
Current and transmitted annually.
14. **Edictal Citations.** Printed Volumes. Current and transmitted annually.

## REGISTERS OF SERVICES.

### 1. Printed Indices to Retours and Services.

From 1545 to date. Transmitted periodically by the Chancery Office.

### 2. Register of Inventories, *Cum beneficio inventarii*. See page 56.

### 3. Printed Abstracts of Petitions for Service of Heirs and Disponees.

Current and transmitted annually. See page 69.

## RECORDS of the COMMISSARIOT COURTS of SCOTLAND.

Prior to the Reformation, each Bishop had under him an 'Official' or Commissary, who was judge of the 'spiritual' court of his diocese, and had jurisdiction over the administration of the moveable estate of deceased persons. In the reign of Queen Mary, by the Acts 1560 and 1567, these Bishops' Courts were succeeded by the Commissary Courts, consisting of the Supreme Court at Edinburgh, and twenty-three inferior or provincial courts.

In addition to the usual consistorial records, it had, prior to 1809, become the practice in these courts to keep certain other records which were wholly unconnected with their proper consistorial functions. Thus, records were kept of deeds of every class which contained Clauses of Registration; of Probative Writs under the Act 1689, c. 4; as well as of Protests of Bills of Exchange. In 1809, by the Act 49 Geo. III., c. 42, registration of these three classes of writs was prohibited in all the Commissary Courts. Generally speaking, therefore, these Commissary Records prior to 1809, will be found to comprehend:—

1. Registers of all properly Consistorial Causes, consisting of the original rolls, writs or summonses, vouchers produced, evidence, pleadings, sentences interlocutory as well as definitive, and decrees of Court.
2. Records for registering edicts, inventories tutorial, as well as curatorial, and actions for debt due by persons deceased against their creditors.
3. Records of Testaments, including the Wills and Inventories on which Confirmation was granted.
4. Records of Bonds of Caution by Executors and their Sureties; and
5. Registers of Deeds of Conveyance, Wills, Bonds, Obligations, Contracts, and other writings, recorded for preservation and execution, or for publication.

The various inferior Commissariot Courts throughout Scotland were abolished by the Act 4 George IV., c. 97, which enacted 'that as soon as conveniently may be after 1st January 1824, all Processes, Records, and Warrants of Decrees of Inferior Commissaries, together with an Inventory thereof made by the Commissary Clerk shall be transmitted to the General

‘Register House at Edinburgh.’ In 1830, by Act 1 William IV., c. 69, the whole of the Records of the Commissary Court of Edinburgh were also transferred to the Register House.

The following is an abstract of the contents of the Commissary Records (according to their Courts) which are preserved in the Record Department of the Register House:—

## I. EARLY RECORDS—Prior to the Reformation.

### Books of the ‘Official’ of St Andrews.

1. LIBER SENTENTIARUM OFFICIALIS SANCTI ANDREE INFRA LAUDONIAM.—1515 to 9 June 1541.
2. LIBER ACTORUM D. OFFICIALIS SANCTI ANDREE INFRA LAUDONIAM.—1551 to 1553.
3. LIBER SENTENTIARUM OFFICIALIS SANCTI ANDREE PRINCIPALIS.—10 October 1541 to 23 September 1555.
4. LIBER ACTORUM OFFICIALIS SANCTI ANDREE.—1546 to 1548.

## II. GENERAL RECORDS.

### 1. COMMISSARIOT OF EDINBURGH.

1. RECORD OF TESTAMENTS, 1567 to 1829. There is an Index (compiled by the late Rev. Hugh Scott) from 1567 to the close of 1800, which includes two fragments, 1514 to 1516, and 1521 to 1532, the Record of which seems to have gone amissing.  
The period subsequent to 1829 is to be found at the office of the Commissary Clerk of Edinburgh.
2. RECORD OF INVENTORIES with Indices.  
First Series (kept in terms of 44 George III., c. 98), 1804 to 1823.  
Second Series (kept in terms of 48 George III., c. 149, and 55 George III., c. 184), 1808 to 1830.
3. EDICTS OF EXECUTORY with List, 1670 to 1831; For Decernitures see Decrees.
4. RECORD OF DECREETS, 1564 to 1790, with four volumes of Decernitures or Edicts, 1811 to 1831; Record copy Decrees, 1741 to 1818.
5. CONSISTORIAL DECREETS, 1684 to 1832, and Index: Minute Book of Decrees and Sentences, 1597 to 1790.
6. RECORD OF DEEDS with Warrants, 1624 to 1809: Minute Book of Deeds, 1564 to 1809.
7. DIET OR COURT BOOKS, 1569 to 1788.
8. ACTS OF CAUTION (Books), 1594 to 1834: Bonds of Caution 1684 to 1831.
9. RESPONDE BOOKS, and ADVISING BOOKS, 1686 to 1850.
10. PROCESSES, 1590 to 1835: CONSISTORIAL PROCESSES, 1650 to 1832, with Index.
11. PETITIONS, EDICTS, 1789 to 1816, and various other Warrants.

## 2. COMMISSARIOT OF ABERDEEN.

It is understood that the earlier Records of this Commissariot were destroyed by fire many years ago, and the following List will be found to contain little that is earlier in date than 1721:—

1. CONFIRMATIONS AND INVENTORIES in Bundles, 1715 to 1823.
2. JUDICIAL INVENTORIES OF MINORS' ESTATES, 1722 to 1823.
3. SUNDRY OLD PAPERS, apparently Inventories, 1719 to 1740.
4. EDICTS, 1720 to 1823.
5. PROCESSES, WARRANTS OF DECREES AND COURT PROCEEDINGS, 1721 to 1823; and Minute Books, 1748 to 1823.
6. SLEEPING PROCESSES, 1753 to 1798.
7. PROCESSES UNDER ADVOCATIONS, 1795 to 1799.
8. MANDATES, 1785 to 1824.
9. ADMISSIONS OF PROCURATORS, 1722, *et seq.*; and Minute Book of Certificates of Procurators taking the Oath, 1747 to 1748.
10. CAVEATS.
11. MISCELLANEOUS OLD PROCEEDINGS, 1749 and 1811 to 1823 (8 Bundles undated).
12. PETITIONS, 1721 to 1823.
13. DIET BOOKS, 1721 to 1823.
14. RECEIPT BOOKS, 1732 to 1825.
15. DETAILED INVENTORY OF DEEDS, PROBATIVE WRITS and PROTESTS delivered over in 1809 to the Sheriff Clerk of Aberdeen.
16. MEMORANDUM OR MINUTE BOOK OF MANDATES to sue or defend, 1785 to 1824.
17. LISTS of JUDICIAL INVENTORIES.

## 3. COMMISSARIOT OF ARGYLL.

1. RECORD OF CONFIRMATIONS OR TESTAMENTS, 1674 to 1819; with Index to Testaments.
2. INVENTORIES OF ESTATES, 1693 to 1815; Index from 1807 to 1815.

## 4. COMMISSARIOT OF BRECHIN.

### I. Records.

1. RECORD OF TESTAMENTS, 1576 to 1823, and Bundles of Confirmed Testaments, 1596 to 1823, with Indices.
2. RECORD OF INVENTORIES, 1806 to 1823, with Index.
3. MINUTE OR ACT BOOKS, 1597 to 1823.

### II. Warrants.

1. CONFIRMED TESTAMENTS, 1596 to 1823.
2. EDICTS, 1661 to 1823, with Index.
3. BONDS OF CAUTION FOR EXECUTORS, etc., 1669 to 1823, with Index.



4. DEEDS, 1636 to 1810.
5. PROTESTED BILLS, 1724 to 1768.
6. PETITIONS, 1773 to 1823.
7. PROCESSES, 1659 to 1823.
8. MISCELLANEOUS PAPERS.

## 5. COMMISSARIOT OF CAITHNESS.

### I. Records.

1. RECORD OF TESTAMENTS, 1661 to 1820, with Index.
2. ACT OR ROLL BOOK, 1801 to 1803.

### II. Warrants.

1. TESTAMENTS, 1803 to 1827, with Index.
2. EDICTS, 1800 to 1833, with Index.
3. BONDS OF CAUTION, 1822 to 1833, with Index.
4. INVENTORIES, 1812 to 1819, with Index.
5. PROCESSES, 1819 to 1831.
6. SUMMONSES, 1807 to 1822.
7. PETITIONS, 1821 to 1833.
8. MISCELLANEOUS.

## 6. COMMISSARIOT OF DUMFRIES.

### I. Records.

1. RECORD OF TESTAMENTS, 1637 to 1827, and Bundles of Confirmed Testaments, 1694 to 1823.—Index: MINUTE BOOK, 1694 to 1774.
2. REGISTER OF INVENTORIES AND DEEDS, 1808 to 1829.
3. MINUTE BOOKS OF BONDS, PROTESTS, etc., 1650 to 1728.
4. REGISTER OF PROBATIVE WRITS, 1728 to 1782.
5. REGISTER OF DEEDS, 1678 to 1682.
6. ACT BOOKS, 1656 to 1828.
7. DISPENSATIONS TO COMMISSARIES, 1665 to 1720.
8. ACTS OF CAUTIONARY, 1673 to 1781.
9. MINUTE BOOK OF DECREETS, 1663 to 1747.
10. RECEIPT BOOK, 1721 to 1757.

### II. Warrants.

1. TESTAMENTS, 1694 to 1823.
2. EDICTS, 1704 to 1828.
3. BONDS OF CAUTION, 1728 to 1830.
4. TESTAMENTARY DEEDS, 1810 to 1823.
5. ORIGINAL DEEDS, recorded, 1680 to 1683.
6. ORIGINAL DEEDS, unrecorded, 1658 to 1786.

7. PROTESTS, 1707 to 1804.
8. EXTRACT REGISTERED DEEDS, 1717 to 1797.
9. PROCESSES, 1675 to 1823.
10. PETITIONS, 1714 to 1829.
11. INVENTORIES AND APPRAISEMENTS, 1741 to 1830.

## 7. COMMISSARIOT OF DUNBLANE AND PERTH.

### I. Records.

1. RECORD OF TESTAMENTS, 1539 to 1825, and Bundle of Confirmed Testaments, etc., 1652 to 1659, with Index.
2. ACT OR MINUTE BOOKS OF COURT, 1550 to 1823.
3. RECORD OF DECREETS, 1625 to 1738.
4. RECEIPT BOOK, 1819 to 1824.

### II. Warrants.

1. CONFIRMED TESTAMENTS, 1718 to 1812.
2. EDICTS, 1740 to 1818.
3. BONDS OF CAUTION, 1734 to 1823.
4. INVENTORIES AND OATHS.
5. INVENTORIES AND APPRAISEMENTS.
6. TUTORIAL AND CURATORIAL INVENTORIES.
7. DEEDS Recorded for Preservation, 1750 to 1786.
8. EXTRACT REGISTERED DEEDS OF SETTLEMENT, 1792 to 1818.
9. PROTESTED BILLS, 1722 to 1786.
10. PROCESSES, 1692 to 1823.
11. MISCELLANEOUS PAPERS, 1800 to 1823.

## 8. COMMISSARIOT OF DUNKELD.

### I. Records.

1. RECORD OF TESTAMENTS, 1687 to 1823; Bundles of Confirmed Testaments, 1682 to 1823, with Index.
2. RECORD OF INVENTORIES, WILLS, etc., 1805 to 1823, with Index.
3. MINUTE BOOKS OF ACTIONS and JUDICIAL PROCEEDINGS, 1690 to 1823.
4. MINUTE BOOKS OF EXECUTIONS called, 1792 to 1823.
5. MINUTE BOOKS OF DECREETS, 1800 to 1823—No Record Volumes.
6. RECEIPT BOOKS FOR PROCESSES, 1776 to 1823.
7. BOOK OF MANDATES, 1785 to 1812.

### II. Warrants.

1. CONFIRMED TESTAMENTS (see No. 1 of Records), 1682 to 1823.
2. INVENTORIES AND OATHS, etc., 1805 to 1823.
3. PETITIONS FOR COMMISSIONS to take Oaths on Inventories and Wills, 1810 to 1823.

4. EXTRACTED PROCESSES, 1680 to 1823.
5. UNEXTRACTED PROCESSES, 1712 to 1823.
6. ACTIONS NOT CONCLUDED, 1804 to 1823.
7. MANDATES, DISPENSATIONS, NOTES, SEQUESTRATIONS, and ROLL OF AMANDS, 1684 to 1823.
8. EXECUTIONS, *in foro*, and in absence, 1687 to 1823.
9. EDICTS OF EXECUTRY, 1688 to 1823.
10. EDICTS OF CURATORY, ACTS OF CURATORY, TUTORIAL AND CURATORIAL INVENTORIES, 1684 to 1791.

## 9. COMMISSARIOT OF GLASGOW.

### I. Records.

1. RECORD OF TESTAMENTS, 1547 to 1823, and Bundles of Confirmed Testaments, 1736 to 1823, with Index.
2. RECORD OF DECREETS, 1615 to 1742.
3. ACT OR COURT BOOKS, 1590 to 1823.
4. SUMMARY ACT BOOKS, 1816 to 1825.
5. MANDATE BOOK, 1785 to 1817.
6. WARRANT BOOK, 1788 to 1802.
7. RECEIPT BOOK, 1778 to 1801.
8. MINUTE BOOKS OF CAUSES called 1783 to 1825.
9. MINUTE BOOKS OF DECREETS, 1666 to 1688.
10. MINUTE BOOKS OF DECREETS EXTRACTED, 1780 to 1791.
11. MINUTE BOOK OF ACTS OF CAUTIONARY, 1668 to 1679.
12. RESPONDE BOOKS, 1743 to 1817.
13. COMMISSARY COURT OF PROMISCUOUS REGISTERS, June 1607 to 14 January 1611.

### II. Warrants.

1. TESTAMENTS, 1736 to 1823.
2. EDICTS, 1679 to 1823.
3. INVENTORIES, 1741 to 1823.
4. LATTER WILLS AND TESTAMENTS, 1616 to 1619.
5. BONDS OF CAUTION, 1690 to 1817.
6. PETITIONS, 1716 to 1825.
7. PROCESSES, 1687 to 1823.
8. MISCELLANEOUS PAPERS, EXTRACT PROTESTS, etc.
9. ORIGINAL DEEDS AND PROTESTS, 1639 to 1793, and 1704 to 1787.
10. WARRANTS OF RECORD OF THE REGALITY COURT OF GLASGOW, found among Commissary Court warrants; Deeds, 1674 to 1740; Protests, 1729 to 1736.

## 10. COMMISSARIOT OF HAMILTON AND CAMPSIE.

### I. Records.

1. RECORD OF TESTAMENTS, 1564 to 1823, and Bundles of Confirmed Testaments, with Index.
2. RECORD OF INVENTORIES, 1804 to 1823, with Index.
3. RECORD OF DECREETS, 1564 to 1668.
4. MINUTE BOOK OF DECREETS, 1704 to 1772.
5. RECORD OF DEEDS, 1593 to 1807, and Bundles of Deeds and Protests.
6. MINUTE BOOKS OF DEEDS AND PROTESTS, 1704 to 1808.
7. ACT BOOKS, 1586 to 1823.
8. SUMMARY ACT BOOK, 1821 to 1822.
9. CALLING BOOKS, 1783 to 1823.

### II. Warrants.

1. DEEDS AND PROTESTS, 1614 to 1808.
2. DEEDS AND PROTESTS KEPT AT AIRDRIE, 1785 to 1809.
3. TESTAMENTS, 1662 to 1811. (*See Index to Testaments.*)
4. EDICTS, 1713 to 1823.
5. BONDS OF CAUTION, 1670 to 1820.
6. PROCESSES 1631 to 1823.
7. PETITIONS, 1735 to 1823.
8. EXTRACT REGISTERED DEEDS AND PROTESTS, 1704 to 1753.
9. CURATORIAL INVENTORIES, 1819 to 1823.
10. MISCELLANEOUS PAPERS, MANDATES, PRECEPTS, ETC.
11. LIST OF DEEDS AND PROTESTS, 1593 to 1808.
12. LIST OF DEEDS AND PROTESTS KEPT AT AIRDRIE, 1785 to 1809.

## 11. COMMISSARIOT OF INVERNESS.

Record of Testaments, 1630 to 1820, with Index.

## 12. COMMISSARIOT OF THE ISLES.

### I. Records.

1. RECORD OF TESTAMENTS for Bute and Islay, 1661 to 1823, with Index.
2. BONDS OF CAUTION, Bute, 1661 to 1675.

### II. Warrants.

1. EDICTS, 1710 to 1823.
2. TESTAMENTS, 1709 to 1823. (*See Index.*)
3. INVENTORIES, 1709 to 1807.
4. BONDS OF CAUTION, 1719 to 1823.
5. DEEDS, 1709 to 1807.
6. PROTESTS, 1723 to 1808.

7. COMMISSIONS, 1693 to 1820.
8. LISTS OF INVENTORIES AND OATHS, 1810 to 1823.
9. PROCESSES, 1678 to 1822.
10. MISCELLANEOUS, 1703 to 1814.
11. PETITIONS, 1728 to 1823.

### 13. COMMISSARIOT OF KIRKCUDBRIGHT.

#### I. Records.

1. RECORD OF INVENTORIES, 1809 to 1824: with Index.
2. RECORD OF CONFIRMATIONS, 1809 to 1823: with Index.
3. RECORD OF SETTLEMENTS, 1809 to 1816. (No Index.)
4. DIET BOOK, 1750 to 1839.

#### II. Warrants.

1. EXECUTRY PAPERS, 1663 to 1823: with Index.
2. PROCESSES, 1665 to 1823. (*See Index.*)

### 14. COMMISSARIOT OF LANARK.

#### I. Records.

1. RECORD OF TESTAMENTS, 1595 to 1823, and Bundles of Confirmed Testaments: with Index.
2. RECORD OF INVENTORIES, 1807 to 1823.
3. RECORD OF BONDS OF CAUTION, 1707 to 1756, and Bundle of Bonds, 1706 to 1793.
4. MINUTE BOOK OF BONDS OF CAUTION, 1707 to 1770.
5. ACT BOOKS, 1609 to 1815.
6. REGISTER OF DECREETS, 1629 to 1633: 1683 to 1684: and 1791 to 1808.
7. MINUTE BOOK OF DECREETS, 1699 to 1751.

#### II. Warrants.

1. EDICTS, 1686 to 1816.
2. BONDS OF CAUTION, 1706 to 1793.
3. INVENTORIES OF ESTATES OF PERSONS deceased, 1670 to 1815.
4. CONFIRMED TESTAMENTS (*see Index*), 1666 to 1816.
5. LATTER WILLS AND TESTAMENTS, 1662 to 1807.
6. DEEDS AND PROTESTS, 1644 to 1760.
7. PROCESSES, 1674 to 1760.
8. PETITIONS AND DELIVERANCES, 1682 to 1815.

### 15. COMMISSARIOT OF LAUDER.

#### I. Records.

1. RECORD OF TESTAMENTS, 1561 to 1782, with Index.
2. RECORD OF INVENTORIES, 1807 to 1823, with Index.

3. RECORD OF DECREETS, 1661 to 1755.
4. MINUTE BOOKS, 1652 to 1702.
5. DIET BOOKS, 1658 to 1821.

## II. Warrants.

1. TESTAMENTS, 1650 to 1685.
2. EDICTS, 1664 to 1683.
3. PROCESSES, 1617 to 1686. (No Index.)
4. DEEDS, 1637 to 1684.

## III. Additional Warrants, etc., discovered in 1878 in the Commissary Office, Lauder.

1. TESTAMENTS NOT RECORDED—
  - (1) 1680 to 1737.
  - (2) 1783 to 1799.
  - (3) 1800 to 1822. Separate Index.
2. TESTAMENTS RECORDED, 1649 to 1782: *See* HUGH SCOTT'S INDEX.
3. EDICTS, 1686 to 1823: *See* Index, page 33 of Index to unrecorded Testaments.
4. BONDS OF CAUTION, 1692 to 1822.
5. INVENTORIES OF ESTATES (REAL AND PERSONAL), 1789 to 1823.
6. PROCESSES, 1651 to 1823.

There was also found a large variety of Deeds, dating between 1602 and 1820, having no connection with the Record.

## 16. COMMISSARIOT OF MORAY.

### I. Records.

1. RECORD OF TESTAMENTS, 1684 to 1827: with Index.
2. RECORD OF INVENTORIES, 1805 to 1823: with Index.
3. DIET BOOKS, 1693 to 1822.
4. RECORD OF DECREETS, 1631 to 1768.
5. RECORD OF DEEDS, 1806 to 1823.
6. REGISTER OF PROTESTS, 1740 to 1741.

### II. Warrants.

1. EDICTS, 1745 to 1824.
2. BONDS OF CAUTION, 1797 to 1824.
3. PETITIONS AND COMMISSIONS FOR TAKING OATHS OF EXECUTORS, 1809 to 1824.
4. PROCESSES, 1694 to 1823.
5. PROTESTS, 1733 to 1809.
6. PARTS OF PROCESSES, 1809 to 1821.
7. MISCELLANEOUS PAPERS.
8. WARRANTS OF RECORD OF THE BURGH COURT OF ELGIN — PROTESTS, 1766 to 1810.

## 17. COMMISSARIOT OF ORKNEY AND ZETLAND.

1. TESTAMENTS, 1611 to 1684: with Index.
2. DECREETS, 1648 to 1668 (Fragment).

## 18. COMMISSARIOT OF PEEBLES.

1. TESTAMENTS, 1681 to 1699: with Index.
2. ACT BOOK, 1678 to 1718.

## 19. COMMISSARIOT OF ROSS.

## I. Records.

1. RECORD OF TESTAMENTS, 1802 to 1824: with Index.
2. ACT OR MINUTE BOOK, 1813 to 1821.

## II. Warrants.

1. EDICTS, 1784 to 1823.
2. BONDS OF CAUTION, 1808 to 1823.
3. INVENTORIES, 1784 to 1823.
4. ORIGINAL DEEDS, 1800 to 1814.
5. EXTRACT REGISTERED DEEDS, 1811 to 1819.
6. PROCESSES AND PETITIONS, 1785 to 1823.

## 20. COMMISSARIOT OF ST ANDREWS.

1. TESTAMENTS, 1549 to 1823: with Index.
2. INVENTORIES, 1806 to 1823.
3. RECORD OF DECREETS, 1595 to 1823.
4. RECORD OF DEEDS, 1564 to 1809: with Index.
5. ACT BOOKS, 1573 to 1791.
6. MINUTE BOOKS OF TESTAMENTS, 1718 to 1823.
7. MINUTE BOOKS OF DEEDS, 1671 to 1745, and 1780 to 1809.

## 21. COMMISSARIOT OF STIRLING.

## I. Records.

1. RECORD OF TESTAMENTS, 1607 to 1728, and Bundles of Confirmed Testaments, 1616 to 1823: with Index.
2. RECORD OF DECREETS, 1656 to 1698.
3. ACT OR COURT BOOKS, 1611 to 1768.
4. MINUTE BOOKS OF COURT PROCEDURE, 1756 to 1820.
5. DECREE DATIVE BOOKS, 1768 to 1798.
6. ACTS OF CAUTION BOOKS, 1661 to 1709.
7. REGISTER OF PROBATIVE WRITS, 1757 to 1774.

## II. Warrants.

1. TESTAMENTS, 1616 to 1823. (*See Index.*)
2. EDICTS, 1656 to 1823.
3. BONDS OF CAUTION, 1648 to 1820.
4. INVENTORIES, 1641 to 1817.
5. LATTER WILLS AND TESTAMENTS, 1645 to 1705.
6. DEEDS, 1622 to 1797.
7. EXTRACT REGISTERED DEEDS, 1659 to 1805.
8. PROTESTS, 1705 to 1744.
9. PETITIONS, 1700 to 1827.
10. PROCESSES, 1614 to 1823.
11. PROCESSES OF CURATORIAL INVENTORIES, 1786 to 1823.
12. MISCELLANEOUS PAPERS:—Bundle.

## 22. COMMISSARIOT OF WIGTOWN.

1. TESTAMENTS, 1700 to 1823.
2. EDICTS, 1700 to 1823.
3. EXTRACTED PROCESSES, 1700 to 1822.
4. UNEXTRACTED PROCESSES, 1704 to 1822.

## CALENDARS of CONFIRMATIONS and INVENTORIES granted and given in the SEVERAL COMMISSARIOTS of SCOTLAND.

These Calendars are a useful addition to the Commissary Court Records. Formerly, when access to a confirmation was required, it was often a matter of some difficulty to ascertain the Commissariot in which it had been expedite; but that difficulty will, as regards the future Records, be obviated by the formation of these Calendars. They are prepared annually by the Commissary Clerk of Edinburgh in terms of the Sheriff Courts (Scotland) Act 1876, sec. 45, and contain a short notice of every confirmation granted during the year.

Each Calendar is compiled so as to give in alphabetical order:—

The names and designations of all deceased persons to whose estates confirmation has been expedite;

The date and place of registration of the Will of the deceased (if testate);

The date and name of the Commissariot where confirmation has been granted; and

The value of the estate.

From 1876 to date.

Current and transmitted annually.



## PRINTED ABSTRACTS of PETITIONS for the APPOINTMENT of EXECUTORS. From 1869 to date.

This is a printed volume compiled (along with Abstracts of Petitions for the Service of Heirs and Disponees), and transmitted annually to the Record Room by the Office of Edictal Citations. By the Confirmation and Probate Act, 1858, 21 & 22 Vic., c. 56, edicts of executry were abolished, and petition to the Commissary for the appointment of an executor substituted.

## THE HIGH COURT of ADMIRALTY.

The High Court of Admiralty was established by the Statute 1681, c. 16, which conferred upon the Lord High Admiral of Scotland the sole privilege and jurisdiction in all maritime and seafaring causes. He appointed the Judge Admiral, whose court was held in Edinburgh; and inferior courts were established at the various seaports in Scotland.

Under the title 'Admiralty Causes,' were comprehended questions of charter party, freight, salvages, wrecks, bottomries, policies of insurance, seamen's wages, sales of vessels, etc.

In the year 1830, the High Court and its subordinate local courts were (Act 1 Wm. IV., c. 69), abolished, and their Records transmitted to the Register House.

### I. EARLY RECORDS.

#### 1. *Acta Curiae Admirallatus Scotiæ.*

1 Volume from 6 September 1557 to 11 March 1561.

### II. GENERAL RECORDS.

1. DIET BOOKS, from 11 September 1654 to 30 September 1830.
2. ROLL BOOKS, from 9 July 1790 to 16 September 1830.
3. RECEIPT BOOKS, from 8 March 1721 to 31 March 1827.
4. RESPONDE BOOKS, from 25 June 1706 to 4 October 1830.
5. PRECEPT BOOKS, from 16 December 1702 to 4 June 1754.
6. DECREETS (with Index), from 6 March 1827 to 6 August 1830.
7. RECORD OF COMMISSIONS, DEPUTATIONS, and others, from 28 January 1718 to 4 October 1830.
8. LIST OF BONDS of CAUTION and RECEIPTS for BONDS, from 10 May 1827 to 14 September 1830.
9. MEMORANDUM BOOK, from 19 January 1787 to 14 March 1825.
10. RECORD OF SUMMARY CASES, from 2 April 1827 to 5 October 1830.
11. CONSIGNATION BOOK, from 18 November 1773 to 28 August 1830.
12. LIST OF PROCESSES lent out upon Inventories, 1 volume.
13. LIST OF PROCURATORS' NAMES who paid licences, from 12 July 1820 to 11 July 1828.

14. CRIMINAL RECORDS, from 5 March 1705 to 29 May 1828.
15. COLLECTIONS OF DECISIONS by Mr Hodgson Cay, Judge Admiral (with Index to Collections), 5 volumes.

**Warrants.** (See Index of Warrants of Records placed beside Index of Decrees.)

- (1.) DECREES IN ABSENCE, from 1702 to 1830; (2) PROCESSES *in foro*, from 1703 to 1830; (3) SUMMARY WARRANTS, from 1703 to 1830; (4) BONDS OF CAUTION, from 1702 to 1830; (5) WARRANTS OF ADMISSION OF PROCURATORS, from 1829 to 1830; (6) CLERKS' COPIES OF INVENTORIES, from 1827 to 1830; and (7) CLERKS' COPIES OF INVENTORIES OF PROCESSES, which were in dependence in 1830; (8) INCOMPLETE PROCESSES, from 1720 to 1749, and from 1813 to 1821; (9) ACCOUNTS OF EXPENSES IN PROCESSES, from 1820 to 1828; (10) CRIMINAL LETTERS, from 1781 to 1792; (11) CRIMINAL PROCEEDINGS, from 1813 to 1828; and (12) COMMISSIONS in favour of DEPUTE ADMIRALS, and Papers connected therewith, from 1693 to 1701; (13) COPIES OF DECREETS, 1717 to 1784.

## RECORDS of PARLIAMENT.

The Acts of the Parliaments of Scotland, edited by Mr Thomas Thomson and Professor Cosmo Innes, have been published. See also the 'Acts of the Lords Auditors of Causes and Complaints (Acta Dominorum Auditorum), 1466-94,' edited by Mr Thomson, and the Acta Dominorum Concilii, page 56.

1. Rotul: Placit in Parl: R. Johannis 1292.  
Rotul. Parliamentor: R. David II. et R. Roberti II. 1368 to 1389.
2. Antiq. Regist. Sæc. XIV. Vulgo Vocat. 'The Black Book,' Acta Parliam: Dav: II. et Ro: II. Federa Cartæ, etc.
3. Haddington Manuscript. 1384 to 1400.
4. Records of Parliament. 26 May 1424 to 27 November 1706.
5. Minutes of Parliament. 1669 to 1670; 1672 to 1673, and 1674.
6. Acts of the Conventions of Estates. 29 June 1598 to 11 July 1678.
7. Committee of Estates. 28 August 1643 to 13 October 1660.
8. Acts and Orders of Committee of Estates. 9 October 1660 to 23 May 1689.
9. Committee for Moneys, etc. 3 February 1646 to July 1648.
10. Committee for the Common Burdings. 19 November 1641 to 10 January 1645.

11. Committee of Both Kingdoms. 16 February 1644 to 11 December 1646.
12. Decrees of Forfeitures in Parliament. 22 May 1685 to 2 July 1695.
13. Commission for Communication of Trade, etc. 10 January 1699 to 20 March 1700.
14. Journals of the Commissioners for the Union of the Kingdoms. 27 March 1702 to 25 July 1706.
15. Collection of Acts and Miscellaneous Documents relating to proceedings in Parliament, 1455 to 1707.
16. The Berne Manuscript.  
This manuscript volume of what is believed to be the earliest authority for any considerable collection of the Laws of Scotland, was presented to the Register House by the Directors of the Public Library of Berne. It is understood to have been purchased in England, during the Commonwealth, by an agent of the Swiss Cantons.
17. Various Registers and Documents, viz., Committee of Estates, Commissioners for concluding the treaty with England, 1644, etc.
18. The Ayr Manuscript.  
This manuscript, of the period of Robert the Bruce, appears to have belonged to the burgh of Ayr, or perhaps to the Clerk of the Council or Guildry of that burgh. Of its later history nothing is known. It was purchased at a book-stall by one of the masters in the Ayr Academy, from whom it was acquired for the Register House.
19. The Drummond Manuscript.  
This Manuscript appears to have been written about the end of the fifteenth century. It belonged, in succession, to several members of the families of Drummond of Inverpeffray and Colquhailzie, and latterly to Sir William Drummond of Logie Almond, by whom it was deposited in the Register House.
20. Record of Elections of the Peers of Scotland. 5 May 1761 to date.

## RECORDS of THE PRIVY COUNCIL, ETC.

‘The Register of the Privy Council of Scotland,’ edited by Dr Hill Burton and Professor Mason, are in course of publication.

**Commissions.**—From 24 September 1607 to 8 September 1630.

**Acta caut.**—From 28 January 1575 to 13 July 1664.

Decreta.—From 4 June 1612 to 12 March 1705.

Acta.—From June 1545 to 30 April 1707.

Acta Penes Marcharum et Insularum Ordinem.—From 29 July 1587 to 12 September 1623.

The Borders.—From January 1603 to 3 January 1643.

Acts relative to Estates of Bishops.—From 16 January 1571 to 15 October 1607.

Royal Letters, etc.—From 1578 to 1707.

Sederunts.—From 14 December 1598 to 9 November 1643.

Grievances.—From 14 May 1623 to 21 July 1626.

Justices of the Peace.—From August 1610 to November 1639.

Committees.—From 24 January 1678 to 27 April 1678, and from 25 September 1684 to 15 December 1684.

Fines.—From 10 February 1614 to 30 June 1631.

Acta Obliv.—From March 1564 to 30 August 1569.

Minute Book of Privy Council.—From January 1604 to January 1631, and from 2 January 1696 to 25 January 1707.

Inventory of Royal Letters, of Proclamations by the Privy Council, and of Bonds for Fines for not taking the Oath of Allegiance and Assurance before the Privy Council. From 21 June 1689 to 18 November 1707.

Warrants of Privy Council.—From 1561 to 1708.

Warrants of Privy Council.—Bonds of Caution. From 1661 to 1707.

Royal Proclamations.—From 1661 to 1706.

State Papers, Letters, etc.—1 December 1553 to 18 October 1572.

Court Book of Commissioners of Justiciary for the Border Counties. 1622 to 1623.

Transmitted by Town Council of Hawick.

## VALUATION ROLLS.

## 1. COUNTIES and BURGHS of SCOTLAND.

By the Valuation of Lands Act (17 & 18 Vic., c. 91), the Valuation Rolls appointed to be made up annually for the various Counties and Burghs, are transmitted to the Record Room every six years from the date of passing of the Act.

The first transmission of these Rolls commences with the year 1855-56 (Whitsunday to Whitsunday). The Rolls for the counties are thirty-four in number.—Orkney and Shetland being treated as separate counties; and those for burghs number eighty-four.

## 2. RAILWAYS and CANALS.

The Rolls for the Valuation of Railways and Canals also commence in 1855-56, and are also transmitted every six years to the Register House.

## MISCELLANEOUS RECORDS.

## I. BURGHS RECORDS.

1. BURGHS BOOKS OF AYR.—From 1702 to 1711.
2. BURGHS COURT OF CRAIG.—1556 (*fragment*).
3. BURGHS BOOK OF HADDINGTON.—From 1714 to 1718.
4. BURGHS BOOK OF KIRKINTILLOCH.—From 1659 to 1695.
5. BURGHS BOOK OF PERTH.—From 1563 to 1565, and from 1581 to 1587.
6. BURGHS COURT OF ELGIN.—(Warrants, Protests).—From 1766 to 1810.
7. BURGHS COURT OF WIGTOWN.—From 1512 to 1535.
8. RENTAL BOOK OF BURGHS OF WIGTOWN.—From 1542 to 1599.

## II. SHERIFF COURT RECORDS.

1. SHERIFF COURT OF AYR.—From 1515 to 1520, and 1556 (*fragments*).
2. SHERIFF COURT OF BANFF.—1550 (*fragments*).
3. SHERIFF COURT OF DUMFRIES.—From 1537 to 1552.
4. SHERIFF COURT OF DUNBLANE.—(W. District, Perth)—From 1748 to 1751.
5. SHERIFF COURT OF FIFE.—From 1514 to 1522.

6. SHERIFF COURT OF FORFAR.—From 1568 to 1569.
7. SHERIFF COURT OF INVERNESS.—From 1450 to 1594.
8. SHERIFF COURT OF LANARK.—From 1548 to 1550, and 1679 to 1683.
9. SHERIFF COURT OF LINLITHGOW.—From 1541 to 1700.
10. COURT OF THE STEWARTRY OF MENTEITH.—From 1629 to 1733.
11. SHERIFF COURT OF NAIRN.—1561 (*fragments*).
12. SHERIFF COURT OF ORKNEY.—From 1602 to 1604; 1614 to 1638, and 1655 to 1674.
13. SHERIFF COURT OF ORKNEY AND SHETLAND.—1564, etc., and from 1612 to 1665.
14. SHERIFF COURT OF PERTH.—1567 (*fragments*).
15. SHERIFF COURT OF SHETLAND.—From 1602 to 1604.

### III. RECORDS of REGALITIES and other LOCAL JURISDICTIONS abolished (after the Rebellion of 1745) by Act 20 Geo. II., c. 43.

#### 1. Regality Court Records.

1. REGALITY OF ATHOLL.—From 1718 to 1738.
2. REGALITY OF BONCLE AND PRESTOUN.—From 1686 to 1689 (*fragments*).
3. REGALITY OF COUPAR-ANGUS.—From 1731 to 1746 (*Hornings and Inhibitions*).
4. REGALITY OF CULROSS.—From 1730 to 1748.
5. CURIA ITINERIS JUSTICIARIE REGALITATIS DE DALKEITH.—1516.
6. REGALITY OF DUNBLANE.—From 1663 to 1669.
7. REGALITY OF DUNFERMLINE.—From 1531 to 1741 (*various*).
8. REGALITY OF DUNKELD.—From 1690 to 1749 (*various*).
9. REGALITY OF GLASGOW, ACT BOOK.—From 1733 to 1742; JUSTICIARY COURT, 1717 to 1741; COURT BOOKS (*fragments*), 1605 to 1686, and 1692 to 1731; MINUTE BOOKS, DEEDS AND PROTESTS, 1728 to 1742; DEEDS, 1608 to 1620; WARRANTS OF RECORD, 1674 to 1817.
10. REGALITY OF GLENLUCE.—From 1601 to 1642. (M. B.)
11. REGALITY OF GRANT.—From 1690 to 1729. (Court Book.)
12. REGALITY COURT OF HUNTLY, FOR LORDSHIPS OF BADENOCH AND LOCHABER.—From 1698 to 1736; MISCELLANEOUS ORIGINAL PAPERS, 1700 to 1744; REGALITY OF HUNTLY.—From 1686 to 1748 (*various*).
13. REGALITY OF KILMARONOCK.—From 1693 to 1740 (*Court Book*).
14. REGALITY OF KILWINNING.—From 1620 to 1703 (*various*).
15. REGALITY OF LENNOX.—From 1672 to 1704 (*Hornings and Inhibitions*).
16. REGALITY OF MELROSE, BAILIE COURT BOOKS.—From 1605 to 1609; and HORNINGS AND INHIBITIONS.—From 1662 to 1706.
17. REGALITY OF SPYNIE.—From 1611 to 1726 (*various*).
18. REGALITY OF URQUHART AND PLUSCARDEN AND BARONY OF FARNEEN.—From 1654 to 1662.

## 2. Barony Records.

1. BARONY COURT, CARNWATH.—From 1523 to 1537 (*fragments*).
2. CHARTERS BY BARON OF GLASGOW.—From 1588 to 1592.
3. BARONY COURT, KEILOUR.—From 1554 to 1568 (*fragments*).
4. BARONY COURT, MONKLAND.—1602 (*fragments*).

## 3. Bailie Court Records.

1. BAILIE COURT OF ABERDEEN.—From 1563 to 1581.
2. BAILIE COURT OF CARRICK.—From 1573 to 1576.
3. BAILIE COURT OF CUNNINGHAM.—From 1633 to 1729 (*various*).
4. BAILIE COURT OF KELSO.—From 1623 to 1682, and 1697 to 1744.
5. BAILIE COURT OF KILWINNING.—From 1623 to 1721.

## IV. RECORDS OF TEINDS.

1. **Teinds** for ABERDEEN, ARGYLL, AYR, BERWICK, BUTE, DUMBARTON, DUMFRIES, FIFE, FORFAR, HADDINGTON, INVERNESS, KINCARDINE, KIRKCUDBRIGHT, LANARK, LINLITHGOW, PEEBLES, PERTH, RENFREW, ROXBURGH, STIRLING, WIGTOWN,—*no dates mentioned*.

These are the papers so far as could be arranged in counties, of the teind documents found in the hogsheads which were returned from London to Scotland in 1660.

2. Tacks of Teinds—1782 to 1792.

## V. CHARTERS and PROCESSES relating to the JOHNSTONES of JOHNSTONE, etc.

Fourteen bundles of Charters, Processes, etc., relating to the Johnstones of Johnstone, Raecleuch, Lochhouse, Thornick, Newlie, Graitney, Commendator of Saulsit, Nicolace Johnstone, relict of John Johnstone of Johnstone, etc., etc. Dates of Charters, 1567-1662.

## VI. REGISTERS of ADMISSION of NOTARIES by the Lords of Council and Session.

1. **Register of Admission of Notaries** from 23 November 1563 to 19 July 1873. Index from January 1680 to 19 July 1873. Warrants from 1736 to 1873.

2. Petitions for Admission of Notaries under the Act 36 & 37 Vic., c. 3. 63.—From 1873 to date.

Current and transmitted periodically.

3. Notarial Protocol Books during the 16th, 17th, and 18th centuries.

There are several Protocol Books in the Advocates' Library.

By the Scots Act 1587, c. 89, in the reign of James VI., it was enacted that, after the death of each notary, his 'Protocol Book,' or record of his transactions should be transmitted to the Clerk Register within fifteen days after his death. Royal Burghs were also entitled to retain their Notaries Protocol Books.

## VII. REGISTER of ARMS (LORD LYON OFFICE).

*Liber Curiarum et Processus Domini Roberti Forman, Leonis Regis Armorum—1557 etc.*

## VIII. DOCUMENTS in CONNECTION with ROYAL COMMISSIONS.

1. Commission appointed to enquire into the Administration of Justice in Scotland.—November 1808.
2. Law Courts Commission (1815) to enquire into the Duties, Salaries, Fees, Emoluments, of Officers of Justice in Scotland.
3. Law Courts Commission of 1823.—Forms of Process in Law Courts of Scotland.
4. Jury Court Commission.—1826.
5. University Commission.—1859-63.
6. Solway Salmon Fisheries' Commission. 1879.

## IX. LEDGER of ANDREW HALLIBURTON, Conservator of the Privileges of the Scottish Nation in the Netherlands, 1492-1503; together with the BOOK of CUSTOMS and VALUATION of MERCHANDISES in SCOTLAND, 1612.

These books have been published under the editorship of Professor Cosmo Innes.

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## SASINE DEPARTMENT.--GENERAL REGISTER of SASINES.

The Records affecting Land Rights are compiled in this department. The duties of the officials are statutory, and, as set forth in the Acts, consist of the engrossing in the record volumes such writs as are presented for registration, and forming in connection therewith the Presentment Books, Minute Books, Abridgments and Indices. While the writs registered for publication are returned to the ingivers, those recorded for publication and preservation or execution are handed over to the Register of Deeds.

The Sasine Office Records are periodically transmitted to the General Record Department. *See pp. 5 and 33.*

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## OFFICE of HORNING, INHIBITIONS, and ADJUDICATIONS.

In this Office are compiled the Records of the Register of Inhibitions and Adjudications, and of the Register of Hornings, which are periodically transmitted to the General Record Department. *See pp. 8, 52, and 53.*

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## REGISTER of DEEDS.

Here are compiled the Records usually known as the Books of Council and Session, and in which are engrossed deeds registered for preservation or execution. The Records comprise (a) the Register of Deeds, (b) the Register of Protests, (c) the Register of English and Irish Judgments, and (d) Indices for the writs recorded in the Sasine Office for publication and preservation or execution.

All these Records, along with the original deeds, are transmitted periodically to the General Record Department. *See page 55.*

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## SIGNET OFFICE.

In this office is kept the Signet Seal which is affixed to initiatory writs for diligences which require to pass the Signet, such as:—Summonses, Letters of Arrestment, either to found jurisdiction or to attach moveables, Letters of Inhibition, Letters of Horning, etc. A memorandum of these writs is kept.

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## OFFICE of THE PRIVY SEAL.

The Record of the Privy Seal of Scotland is prepared here. Owing to the abolition of precepts and signatures as preliminary to Crown writs, and to the operation of recent Acts, this Record has been much reduced. It is transmitted periodically along with its warrants to the General Record Department. *See* page 37.

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## CHANCERY OFFICE.

In this department, which is under the superintendence of the Director of Chancery, are deposited many records of great importance. Here also are compiled the following records, some of which are transmitted periodically to the Record Department, and some retained in this office:—

### 1. RECORD of RETOURS.

The portion of this Record prior to 1545, is believed to have been kept at Holyrood Palace, and to have been destroyed in 1544 when the palace and monastery were burned by the English army under the Earl of Hertford.

The existing Record, though not actually transcribed till 1630, commences with the year 1545, and continues with one interruption down to 1847, when it was practically abolished by the substitution of Service before the Sheriff (10 & 11 Vic., c. 47) in lieu of the old form of Brieve and Retour. The interruption referred to is the fifth volume of the series (1611 to 1614), which is known to have been lost.

FIRST. With the exception under noted, there were deposited in Chancery the original Brieves and Retours only of Services; the whole remaining procedure in every Service having been retained by the Clerk of the Sheriff or Burgh Court in which Service was led. If still extant, the proceedings will be found among the records of the local Sheriff or Burgh Courts.

SECOND. After 1821, and down to the year 1847, the whole proceedings of the Service in *two particular classes*, viz.: (1) Services proceeding on Advocation, and (2) those led before the Sheriff of Edinburgh by special commission, were, by the Act 1 & 2 George IV., c. 38, directed to be deposited in Chancery.

There is also a Supplementary Series (marked A to I) consisting of nine volumes, which contain Retours recovered, but found to be unrecorded in any of the other volumes.

The Retour Record is still continued for the registration of Retours of Curatory and Tutorry, as well as of General Retours which are, from time to time, sent to Chancery for registration and preservation.

## 2. RECORD of SERVICES.

This Record commences in the year 1847 (when the old form of Service was abolished by the Service of Heirs Act 10 & 11 Vic., c. 47), and continues to the present time.

The Service of Heirs Act, sec. 12, directs that when judgment shall have been pronounced, the petition, judgment, proof, inventories, and also any other parts of the process (excepting original documents) shall be transmitted to the office of the Director of Chancery. These documents are arranged in monthly numbers.

## 3. INDICES to the RECORDS of RETOURS and SERVICES of HEIRS in SCOTLAND.

A complete Index to the Retours deposited in Chancery, down to the year 1700, was prepared and printed by the late Mr Thomas Thomson, Deputy Clerk Register.

On the Service of Heirs Act coming into operation in 1847, Mr McNeill, the then Director of Chancery, prepared and printed an Index to the Services of Heirs, which was continued uninterruptedly down to 1859. This Index contained little more than the name of the petitioner, and the relationship, and has been very little used as a volume of reference. Upon his successor, Mr Lindsay, coming into office in 1858, he established a much fuller Index, giving the designations of the petitioner and his ancestor, the relationship, character, and date of death, and in the case of Special Services, a short description of the lands. This Index was commenced in 1860, and continues in the same form down to the present date. It has been found of great advantage to Searchers. Mr Lindsay also commenced a continuation in a shorter form of Mr Thomson's Index, which has now been brought down to the year 1829. It is intended to bring this Index down to 1859, where it will join the fuller Indices before referred to. *See* page 58.

## 4. QUARTER SEAL RECORD.

The first portion of this Record commences in 1750 and ends in 1761. A long hiatus then occurs, as the Record was not recommenced until 1831. From that date, it continues uninterruptedly down to the year 1847, when it was much reduced, as in the case of the Retour Record, by the abolition of the old form of Brieve and Retour.

This Record contains, down to 1847:—Precepts for Infestment proceeding on Special Retours; Commissions directed to the Sheriff of Edinburgh, empowering him to serve Letters of Curatory Lawful and Tutory Lawful, and Gifts of Ultima Hæres of heritable, and of heritable and moveable subjects combined, except in the case of writs granted in favour of the Queen's Remembrancer *in Trust*. Gifts of moveable subjects only are recorded in the Privy Seal. *See* Record of Great Seal, page 80, and of the Privy Seal, page 37.

The Record is still continued for the registration of Letters of Curatory Lawful and Tutory Lawful, as well as Gifts of Ultima Hæres of heritable subjects. In the case of Tutories and Curatories Lawful, the proceedings in the service are transmitted to the Accountant of the Court of Session.

## 5. PRECEPT RECORD.

This Record commences in March 1848, and continues down to 1874, when it was practically closed by the abolition of writs by progress. It contains Precepts for Infektment and Writs of Clare Constat.

## 6. RESPONDE BOOK.

This Record commences in 1573, and continues down to 1847.

It contains a list of the duties payable to the Crown on Precepts proceeding upon Special Retours.

The Precept issued from Chancery and registered in the Quarter Seal Record, contains the same information; but this Record is valuable in respect that it supplies a list of the duties payable to the Crown from 1761 to 1831,—during which period Precepts were not recorded in Chancery.

## 7. RECORD for the REGISTRATION of DEEDS by the LORDS COMMISSIONERS of WOODS and FORESTS.

This Record contains all Dispositions and Conveyances, Leases of Salmon Fishings, etc., granted by or to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues. It begins in the year 1834, and until the year 1858, all such Deeds were engrossed at length. After that date, they have been *minuted* only, in accordance with the Act 15 & 16 Vic., c. 62. Two copies of all Deeds to be minuted are sent to Chancery by the Woods and Forests Department. On one, a docquet, signed by the Director of Chancery or his Depute, is engrossed and returned to London, or the department in Edinburgh, while the other copy is preserved in Chancery.

## 8. RECORD of SHERIFF DEPUTES' COMMISSIONS.

The commissions of all the Sheriff Deputes of Scotland are registered in this Record, which commences in 1829, and continues to date. Previous to 1829, these commissions were recorded in Exchequer.

## 9. RECORD of the GREAT SEAL.

This Record is transmitted periodically to the General Record Department. At the present time, owing to the abolition of charters by progress by the Land Transfer Act of 1874, the only deeds recorded in the Great Seal are:—Charters of Incorporation by the Crown, Charters with the consent of the Board of Trade, Charters of Novodamus, and Gifts of Ultima Hæres of heritage in favour of the Queen's Remembrancer *in Trust*. See page 35.

## 10. REDEEMABLE RECORD of the GREAT SEAL (Paper Register.)

This Record contains pardons by the Crown to criminals in Scotland, and commissions by the Crown to Scottish Public Departments.

The Record is transmitted periodically to the General Record Department. *See page 35.*

## 11. RECORD of PATENTS.

Since the passing of the Patent Law Amendment Act 1852 (15 & 16 Vic., c. 83), a complete set of all specifications and their accompanying drawings down to 31 December 1883, when their transmission to Chancery was abolished, has been filed and arranged in Chancery. There are Indices to these specifications. The Industrial Museum, Chambers Street, possesses a complete set of these specifications down to date.

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## REGISTRY of BIRTHS, DEATHS and MARRIAGES.

To this department are committed the custody and control of the whole Parochial Records of Scotland. In terms of the Act 17 & 18 Vic., c. 80, and subsequent Acts, all the old Parochial Registers of Baptisms, Marriages, and Burials, dating from the 15th century, down to 31 December 1854, were transmitted to this department. On 1st January 1855, the present compulsory system of registration came into operation, and the local registrars, who prepare the Records of Births, Deaths, and Marriages in duplicate, transmit to this office one set annually. Searches can, therefore, be made in these Records, so far as they are extant, down to the current year. As the period of time embraced in the old Records varies considerably, a calendar has been prepared, which can be seen at this office. To the new Records Indices are furnished brought down to date.

The earliest notice on record of the institution of these Registers occurs in the year 1686, when all parish ministers were ordained to keep a record of burials, for the purpose of aiding in the discovery of contraventions of the Act requiring the dead to be buried in Scots linen! The Act of 1707, c. 94, substituted the use of woollen cloth for that of linen. In 1696, an overture for an Act to institute registers of baptisms and burials was passed; and at the beginning of this century considerable attention was drawn to the necessity of keeping proper records. No action was taken, however, until the year 1854, when the Act above referred to was passed.

## OFFICES of the CLERKS of SESSION.

The Clerks of Session have charge of the current processes in the Court of Session. The Unextracted Processes are transmitted annually to the General Record Department. *See page 57.*

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## OFFICE of the EXTRACTOR of the COURT of SESSION.

The Extractor of the Court of Session issues Extracts of the Decrees of Court. The Extracted Processes are transmitted periodically to the General Record Department. *See page 57.*

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## OFFICE of the ACCOUNTANT of the COURT of SESSION.

This office was instituted in the year 1849, and its duties are regulated by Acts 12 & 13 Vic., c. 51, and 43 & 44 Vic., c. 44. To the Accountant of Court is committed the superintendence of Judicial Factors, and Tutors and Curators, coming under the provisions of the Acts, who transmit to him certain documents, such as Bonds of Caution, Deposit Receipts for money consigned in Bank, etc. In this office are compiled various Records relating to these Factories, Tutories and Curatories; and an Annual Report of all the Factories pending before the Accountant is made by him to the Court or Session, a copy of which is transmitted to the General Record Department. *See page 57.*

Consignment Receipts and Bonds are delivered up by the Accountant on authority of the Court. Factory Accounts lodged under Acts 12 & 13 Vic., c. 51, and 43 & 44 Vic., c. 44, are, on application by a Factor for discharge, transmitted by the Accountant, along with his Annual Report upon the Audit thereof, to the Clerks to the Process. Accounts by Judicial Factors appointed under the Act of Sederunt, 13 February 1730, are not lodged with the Accountant or audited by him.

## I. Records.

1. GENERAL REGISTER of FACTORIES, TUTORIES and CURATORIES, prepared under the Pupils' Protection Act (12 & 13 Vic., cap. 51), with Index. From 1849 to date.

In this Register the following information is given:—Names, designations and addresses of factors, tutors or curators; nature of appointment; name, designation and addresses of cautioners; Clerk of Process; division of Court; Date of receiving Bond; Clerk of Session to whom certified; Copy Letters of Curatory or Tutorry transmitted; date fixed for closing first account; date of lodging Inventory; Delivery of Bond; date of Warrant and of delivery and signature of party receiving Bond.

2. GENERAL REGISTER of SHERIFF COURT FACTORIES and CURATORIES prepared under Judicial Factors (Scotland) Act, 1880 (43 & 44 Vic., c. 4), with Index. From 1881 to date.

The information appearing in this Register is similar to that given in No. 1.

3. REGISTER of OLD FACTORIES, prior to passing of Pupils' Protection Act, with Index. From 1800 to 1849.

The information appearing in this Register is similar to that given in No. 1.

4. REGISTER of JUDICIAL FACTORY BONDS, CURATORS CHOSEN, BONDS for RECAL of ARRESTMENTS, for interim execution pending appeal, etc. From 1811 to date.
5. REGISTER of DEPOSIT RECEIPTS for sums deposited in Bank under authority of Court. From 1811 to date.
6. REGISTER of SUMS consigned under Act 37 & 38 Vic., c. 34, sec. 18 (Redemption of Casualties). From 23 November 1874 to date.
7. REGISTER of BONDS of CAUTION by FACTORS. From 1752—date doubtful. No Index.

## II. Warrants.—Documents transmitted to Accountant.

1. BONDS of CAUTION by CURATORS *bonis*, FACTORS *loco tutoris*, CURATORS LAWFUL, TUTORS *dative*, TUTORS AT LAW, and FACTORS *loco absentis*,—prepared under Act 12 & 13 Vic., c. 51. From 1849 to date.
2. BONDS of CAUTION, with other steps of procedure in appointment of TUTORS in Chancery. From 1849 to date.

The Accountant transmits certified copy Letters of Tutorry to Principal Clerk of Session.

3. BONDS of CAUTION by JUDICIAL FACTORS, CURATORS CHOSEN, for recal of arrestments, and for interim execution pending appeal, etc. From 1849 to date.
4. BONDS of CAUTION for FACTORS *loco tutoris* and CURATORS *bonis*, appointed by SHERIFF COURTS;—prepared under The Judicial Factors (Scotland) Act 1880 (43 & 44 Vic., c. 4). From 1881 to date.
5. DEPOSIT RECEIPTS for all sums of money lodged in Bank under authority of Court. From 1849 to date.
6. DEPOSIT RECEIPTS for all sums consigned under Act 37 & 38 Vic., c. 34, sec. 18. From 23 November 1874 to date.

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## BILL CHAMBER.

The various Records in the Bill Chamber are as follow :—

1. **Suspensions**; SUSPENSIONS and INTERDICTS; SUSPENSIONS and LIBERATIONS; and LOOSING of ARRESTMENTS; ROLL; MINUTE BOOK; INDEX to EXPEDE NOTES of SUSPENSION; TRANSMISSION BOOK of CASES sent to INNER and OUTER HOUSES.

2. **Sequestrations.**

MINUTE BOOK (M.S.); TRANSMISSION BOOKS to ACCOUNTANT in BANKRUPTCY; and REGISTER of UNCLAIMED DIVIDENDS.

The Proceedings in Concluded Sequestrations are transmitted annually to the General Record Department. See pages 53 and 54.

3. **Miscellaneous.**

REGISTER of ENGLISH JUDGMENTS; RECORD of DECREES; ROLL of BILL CHAMBER CAUSES heard in COURT.

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## REGISTER of LAW-AGENTS.

This Register was established by the Law-Agents' Act of 1873, and in it are recorded the names of all parties entitled to act as law-agents in Scotland.



## OFFICE of the ACCOUNTANT in BANKRUPTCY.

This office was instituted in 1856 by the Bankruptcy Act, 19 & 20 Vic., c. 79. The Accountant takes cognisance of the conduct of trustees and commissioners in sequestrations and cessios, and for that purpose compiles certain records relating thereto. *See page 54.*

The following are the Records compiled in this office :—

1. **Register of Bonds of Caution** transmitted by the Court of Session. From 21 April 1857 to date.
2. **Register of Sequestrations**, with Index. From 1 November 1856 to date.

In this Record are noted the name and designation of bankrupt and of petitioning or concurring creditor; the Court in which sequestration has been awarded; date of first deliverance; date of awarding; names and designations of trustee and commissioners; date of discharge of the bankrupt and of the trustee.

3. **List of Processes of Cessio Bonorum** (under sec. 147 of the Bankruptcy Act), with Index. From 1856 to 1880.

This list contains name and designation of debtor and of trustee; date of decree; and the Court in which decree has been awarded.

4. **Register of Cessios**. From 1 January 1880 to date.

In this Register appear the name and designation of debtor and of trustee; date of decree; the Court in which decree has been awarded; dates of bankrupt's and trustee's discharges.

5. **List of Sequestrations** awarded prior to 1 November 1856, and regulated by the Act of that year.

The following are the particulars furnished in this List :—

Date of interlocutor, and Court in which pronounced; bankrupt's name and designation; date of first deliverance; date of awarding sequestration; Court to which remitted; trustee's name and designation; and dates of discharges of bankrupt and trustee.

6. **List of Unclaimed Dividends**. From 1856 to date (arranged alphabetically).
7. **Production Books**.—Papers transmitted to Accountant in sequestration. From 1856 to date. No Index.
8. **Warrants**.—Documents transmitted to Accountant.

## REGISTER of ARMS.

The institution of Armorial Bearings, with its Court of Arms, was a device of the feudal system, and must have been introduced into Scotland at an early period. Armorial Bearings were borne in the twelfth century; but of the Court with its officials nothing appears on record until the reign of David II. By the fifteenth and sixteenth centuries, the 'Lyon King of Arms' appears to have become one of the great Officers of State. In 1587, two Courts in the year were appointed to be held in Edinburgh, and in 1592, power was granted to the Court by Act of Parliament, to examine the armorial bearings then in use, and to inhibit unauthorised persons from bearing arms. Other Acts followed, including those of 1639 and 1662, exhorting the 'matriculation' of Arms, until in 1672, an Act (1672 c. 47) was passed, creating the Register of Arms a Public Register of the Kingdom. On this footing the office has remained down to the present time.

A Coat Armorial may be obtained at the Lyon Office by grant from the Lyon King of Arms. The fees on a patent of arms are about £45.

In the office are preserved Records of Grants of Arms with their Warrants, and of the proceedings of the Lyon Court:—

1. Records of Grants and Matriculations of Armorial Bearings of Kings of Scotland and Great Britain, of James, Duke of Albany, and of Archbishops, Bishops, Nobility and Gentry, and Royal Burghs of Scotland, with Index. From 1672 to date.
2. Lyon Register of Processions, Funerals, etc., with Index. From 25 July 1681, to date.
3. Birth Brief Register, with Index. From 3 December 1728, to date.
4. Several Volumes of Proceedings of Lyon Court; Fourteen Volumes of Funeral Entries, from the seventeenth century onwards, compiled by various heralds, incomplete.
5. Record of Admission of Heralds, Pursuivants, Messengers, etc. From 1630 to date.
6. Register Book or Journal. From 1770 to 1775.
7. Warrants, Processes and Bonds of Cautionary for Messengers in the Lyon Office.

## TEIND OFFICE.

The Records in this office are under the custody of the Clerk of Teinds.

The Records under the various Teind Commissions for the period preceding 1700, have suffered from the two causes before mentioned, viz.:—(1) the shipwreck about the year 1660, when only a few hogsheads of Records (including some documents relating to Teinds) were saved: and (2) the fire which occurred in the Parliament Close, Edinburgh, in 1700. The Teind papers taken out of the hogsheads saved from the shipwreck, are chiefly of date prior to 1650, and these, with a few other papers of later date, have remained in the General Record Department. *See page 75.*

### I. Records of date prior to 1700.

The Records in the Teind Office of date prior to 1700, are as follow:—

1. SEDERUNT BOOK of TEIND COMMISSIONERS, 1630-33.
2. SEDERUNT or MINUTE BOOK, 1633-1650.
3. SEDERUNT or MINUTE BOOK, 1669-1681.
4. INDEX to LOST RECORDS.
5. LISTS of SUB COMMISSIONERS, ending 1642.
6. OLD RENTALS, 1630-1633.
7. RECORDS RECOVERED from D. BEAT in 1745, consisting of Valuations of Teinds, etc.
8. COMMISSION anent PARISHES in the Province of Argyll and Report, 1649-1651, and Copy Proceedings, 1690.
9. VALUATION of LORD HADDINGTON'S LANDS in various Parishes, 1629-1633.
10. BALMERINO VALUATION, 1631.
11. VALUATIONS by SUB-COMMISSIONERS for PRESBYTERIES of ARGYLL, CHIRNSIDE, CUPAR-FIFE, DALKEITH, DUMBARTON, DUMFRIES, DUNFERMLINE, DUNKELD, EARLSTON, ELGIN, ELLON, HADDINGTON, LANARK, LINLITHGOW, MEIGLE, MUTHILL, PEEBLES, PERTH, ST ANDREWS, 1629-1635.
12. EXTRACTS of DECREETS, 586 in number, of date prior to 1700, lodged under the Act of 1707 to supply the Lost Records.
13. VARIOUS PAPERS RELATING to PROCEEDINGS of date prior to 1700.

### II. Records of date subsequent to 1700.

Between 1700 and 1707, when the Judges of the Court of Session were appointed Commissioners of Teinds, very little business was transacted. The Records now extant, therefore, relate chiefly to business transacted under the Act of 1707. There are numerous Indices to these Records kept in the office. The Records themselves are chiefly as follow:—

1. MINUTE BOOK commencing 1700, and embracing part of proceedings under the Act 1707.

2. MINUTE BOOKS subsequent to 1707, to date.
3. REGISTERS to SUPPLY LOST RECORDS with Warrants. [The period 1786 to 1818 not written up.]
4. REGISTERS of DECREETS, from 1707 to date. [The period, 1789 to 1818, not written up.]
5. EXTRACTED PROCESSES in TEIND CAUSES, chiefly relating to—
  - (1) Augmentations of Stipend.
  - (2) Valuations and Sales of Teinds.
  - (3) Approbations of Sub-Valuations.
  - (4) Proving tenor of lost Writs.
  - (5) Erection of Parishes *quoad omnia*.
  - (6) Disjunctions and annexations from and to Parishes.
  - (7) Transportation of Churches, etc.
  - (8) Reductions.
6. SMALL STIPEND PROCEEDINGS under the Acts of 1810 and 1824.
7. REGISTER of SMALL STIPENDS.
8. RETURNS of FIARS PRICES under Act of Sederunt of 1809, from the different Counties in Scotland, to date.
9. REGISTERS of FIARS PRICES.
10. PARLIAMENTARY REPORTS on HIGHLAND CHURCHES, etc., 1825-1833.
11. UNEXTRACTED PROCESSES, including Sleeping Teind Processes, conform to Index.
12. EXTRACTED PROCESSES in Erections of Parishes *quoad sacra* under the Act of 1844. [7 & 8 Vic., cap. 44.]
13. EXTRACTED PROCESSES relative to Glebes under the Glebe Lands (Scotland) Act, 1866, including erections of Parliamentary Churches.
14. ACTS of SEDERUNT of the TEIND COURT.
15. CURRENT PROCESSES in all DEPARTMENTS of TEIND BUSINESS.
16. WRITS found among the EXTRACTED PROCESSES. The writs date from the sixteenth century, and consist of Sasines, Charters, Dispositions, Tacks of Teinds, Precepts of Clare Constat, etc. A list of these writs has been compiled for reference.
17. WARRANTS of the above RECORDS.

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## REGISTRY of FRIENDLY SOCIETIES, INDUSTRIAL and PROVIDENT (CO-OPERATIVE) SOCIETIES, BUILDING SOCIETIES, and TRADE UNIONS and SAVINGS BANKS.

The Records compiled in this Office are:—

1. Register of Friendly Societies under 38 & 39 Vic., c. 60, and 39 & 40 Vic., c. 45.
2. Register of Industrial and Provident Societies.

3. Register of Building Societies under 6 & 7 William IV., c. 32, and the Building Societies Act 1874.
4. Register of Trade Unions (under 34 & 35 Vic., c. 31, and 39 & 40 Vic., c. 22).  
List of Trade Unions (English) whose Rules are recorded in Scotland.
5. Savings Banks (26 & 27 Vic., c. 87; 38 & 39 Vic., c. 60; and 39 & 40 Vic., c. 52).

No Register is kept of Savings Banks, but the Warrants are carefully arranged.

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## OFFICE of EDICTAL CITATIONS.

In this office various Records are compiled. In 1838, the offices of Keeper of Edictal Citations and of the General Minute Book of the Court of Session were conjoined. In 1847 (Act 10 & 11 Vic., c. 48, and relative Act of Sederunt), Abstracts of Services of Heirs, and in 1858 (Act 21 & 22 Vic., c. 56), Abstracts of Petitions for the appointment of Executors to intestate estates, were directed to be prepared and published weekly by this office.

The following Records are compiled in this office:—

### 1. Record of Edictal Citations, with Index.

The Judicature Act (6 Geo. IV., c. 120) simplified the form of edictal citations to civil causes, by directing the delivery of a copy of the citation at the office of the Keeper of Records (now Keeper of Edictal Citations). Various other Acts have been passed extending the operation of this form of citation. Abstracts of these Edictal Citations are printed and published once a fortnight by the Keeper. A separate manuscript record is also kept for all charges other than by summonses passing the Signet, and (by Act 39 & 40 Vic., c. 70) on Sheriffs' Decrees. *See* page 58.

### 2. General Minute Book of the Court of Session.

All the Minute Books of the Clerks of Court are conjoined in this Record, which is thereafter printed and published twice a week during Session, and every Box-day during vacation and recess. *See* page 57.

### 3. Printed Abstracts of Petitions for Service of Heirs and Disponees, with Indices.

This publication is, in terms of the Act of Sederunt following upon the Act 10 & 11 Vic., c. 48, issued weekly. The Abstracts are received from the Sheriff Clerk of Chancery. There are two Indices to this print:—one for Abstracts of Petitions for service of heirs, and the other for Abstracts of Petitions for completion of title where deceased heir was neither infeft nor served (Land Transfer Act of 1874, sec. 10). *See* page 59.

#### 4. Printed Abstracts of Petitions for the Appointment of Executors, with Index.

In 1858, the Confirmation and Probate Act abolished edicts of executry, and substituted petition to the Commissary for the appointment of an executor. Schedules of Abstracts of such Petitions are transmitted weekly to this office by the various Commissary or Sheriff Clerks. This print is issued weekly. *See* page 69.

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#### OFFICE of the RECEIVER of CROWN RENTS.

The office of the Receiver of Crown Rents is a branch of the office of the Woods and Forests Department in London. The duty of the Receiver is to collect the Feu-duties, Bishop's teinds, Salmon fishings and Mineral rents, and Casualties due to the Crown throughout Scotland, and generally to give information and advice to the Commissioners of Woods and Forests.

There is kept in this office a List of the Crown Rents in Scotland dating from the year 1860, but there are no records open to public inspection.

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#### OFFICE of the GREAT SEAL.

The Great Seal Record is compiled in the Chancery Office. *See* page 80.

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#### OFFICE of the REGISTER of ENTAILS.

The Records prepared in this office are transmitted periodically to the General Record Department. *See* page 34.

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